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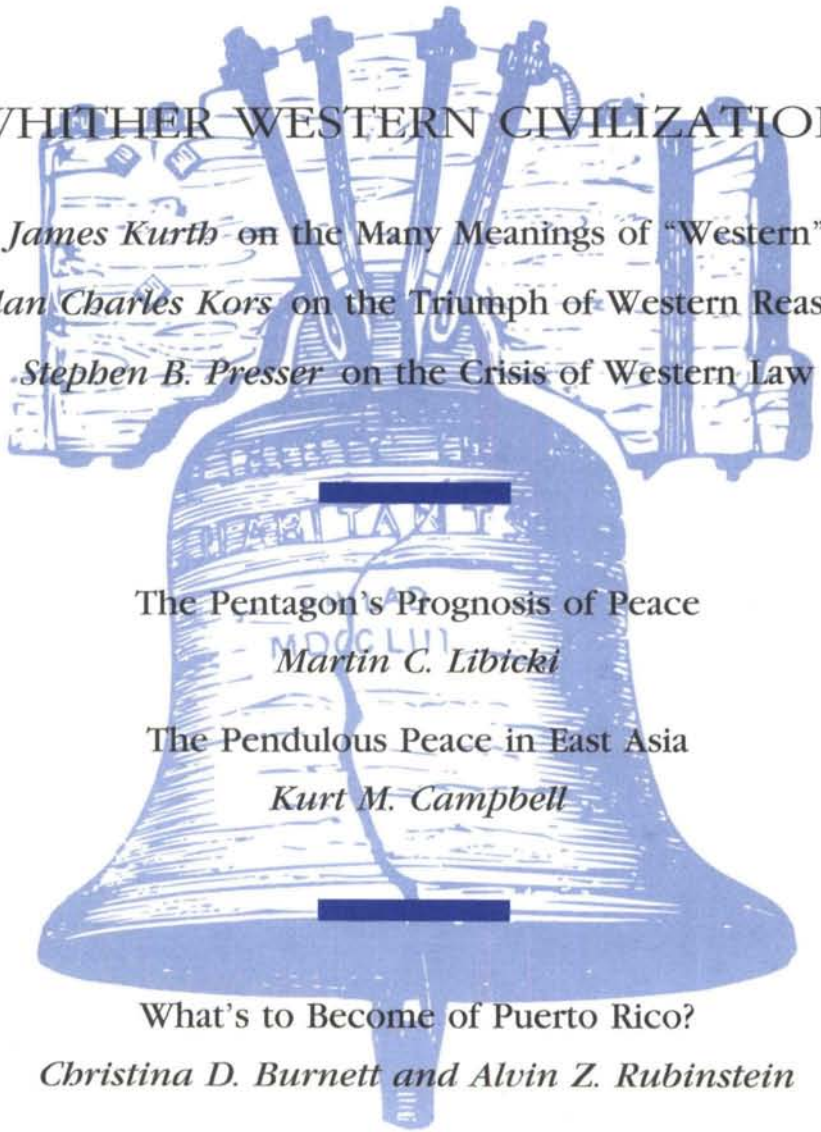
Orbis

A Journal of World Affairs

Volume 45, Number 3, Summer 2001

Bruce Berkowitz On Ronald Reagan



WHITHER WESTERN CIVILIZATION?

James Kurth on the Many Meanings of "Western"

Alan Charles Kors on the Triumph of Western Reason

Stephen B. Presser on the Crisis of Western Law

The Pentagon's Prognosis of Peace
Martin C. Libicki

The Pendulous Peace in East Asia
Kurt M. Campbell

What's to Become of Puerto Rico?
Christina D. Burnett and Alvin Z. Rubinstein

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UNCLE SAM: "Now I can do what I please with 'em."

During the Spanish-American War of 1898, the United States annexed the hitherto independent Hawaiian Islands (by a joint resolution of Congress) and the Philippine Islands and Puerto Rico (by treaty with Spain). Most Americans took for granted, or heartily embraced, their mission to uplift this basket of "racially inferior" foundlings. But was colonial rule permissible under the Constitution? In 1901, the Supreme Court judged that Congress indeed enjoyed "plenary power" to govern and dispose of such territories as it wished. Hawaii, of course, was later "incorporated" and thus placed on the road to statehood, while the Philippines were marked for eventual independence. Only Puerto Rico remained in limbo, or as Justice E. D. White put it, "foreign to the United States in a domestic sense." Cartoon reprinted from Walter LaFeber, *The American Age: United States Foreign Policy at Home and Abroad since 1750* (New York: W.W. Norton, 1989), p. 223.

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Editor's Column

On August 6, 1945, President Truman made a brief statement to the American people to the effect that a single bomb with a yield greater than 20,000 tons of TNT had been dropped on a Japanese city. It marked, he said, the opening of "a new era in man's understanding of nature's forces," but the technical details could not be divulged pending examination of means to protect the world "from the danger of sudden destruction." Hardly a comforting message, but in the weeks and months that followed Americans were bombarded not only with warnings of Armageddon, but promises of the Millennium. Atomic energy, some scientists said, would bring all warfare to an end and provide the human race with such free and limitless energy as to eliminate poverty forever. In the 1960s Walt W. Rostow rhapsodized about the potential of television to speed the modernization of Third World societies, while others feared that mass communications would only facilitate the brainwashing of the masses by totalitarian regimes. Today we are buffeted by contrary predictions about the future of microprocessing and bioengineering. Will computers destroy all privacy, put Orwellian power in the hands of manipulative multinational corporations, and replace human beings altogether in arenas ranging from war and commerce to chess? Or will a "PC in every hut" be the greatest tool of liberation in history, and spread the wealth of the globalized New Economy from San Jose to Samarkand? Will the cracking of the human genetic code enable the manufacture of children and all manner of Frankensteinian horrors? Or will it bring the conquest of all disease and make even death a matter of choice?

If the last two centuries' pattern persists, great good (but not a utopia) and great evil (but not a dystopia) will come of mankind's power to create "altered states." At least, that is what the liveliest imagination of the late nineteenth century finally came to expect. It belonged to Jules Verne, and it still has the power to stimulate . . . night thoughts.

In These Pages

The Summer 1999 issue of this journal examined some "*Fin de Siècle* Identity Crises" plaguing the psyches of nations ranging from China and Russia to Australia and Afghanistan. But the identity crisis most portentous for the first half of the new century is the one afflicting the putative victors in the Cold War:

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the United States and West Europeans. As Americans continue to bicker over their interests and responsibilities and Europeans aspire to a common foreign policy and independent military, friends of the Atlantic Community rightly fret for its future. But it occurred to the Foreign Policy Research Institute that questions deeper than those involving trade and burden sharing need to be asked if NATO's neuroses are to be purged. What, after all, is "the West"—a mere geographical expression, a military alliance, an economic commonwealth, a zone of peace and high technology, a community of values, or some or all of the above? Depending on one's answer, the "West" can be imagined as the exclusive product of one civilization among many, or the germ of a world civilization. Depending on one's answer, multiculturalism and postmodernist relativism can be celebrated as deliverance from the nationalism and racism that tarnished the modern West, or damned as the solvent of individualism and freedom within Europe and North America themselves.

Accordingly, the Foreign Policy Research Institute has established a program to ask these deeper questions about America, the West, and the relationship between them. We cannot predict how long the quest will endure or where it will lead, but *Orbis* will keep readers abreast of the pilgrims' progress. We begin in these pages with an introduction by project chief William Anthony Hay and initial reports by three outstanding scholars: James Kurth, Alan Charles Kors, and Stephen B. Presser.

When it comes to identity crises, no community in this hemisphere has been so conflicted for so long as the Puerto Ricans. Annexed by the United States in the treaty that ended the Spanish-American War, Puerto Rico has been in limbo for over a century. Almost half of its people express interest in achieving full American statehood, but an equal number prefer their present status as a "free associated state" under U.S. sovereignty, and about 5 percent demand full independence. In a zesty contretemps, Alvin Z. Rubinstein argues the political and cultural case against statehood, while Christina D. Burnett argues the legal, constitutional case for it.

Three of the most critical issues facing the new U.S. secretaries of state and defense include the expansion and redesign of the Pentagon's force structure, the threat of nuclear proliferation, and the search for a stable geopolitical structure in Asia. Martin C. Libicki of RAND addresses the first in his novel assessment of America's own ten-year rule regarding the low likelihood of a major war in the near or medium term. Mark T. Clark reviews the spate of new books purporting to explain why some governments elect to "go nuclear" while others abstain. And Kurt M. Campbell boldly argues that the most important determinant of strategic change in East Asia will be what the United States itself does or neglects to do in the next several years. How the United States responds to various

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novel, threatening trends in international economics will also affect the geoeconomics of the era to come, and Bernard E. Munk suggests an agenda for the Bush administration's international economic policy. Finally, historical appetites will be nourished by Andrew P. N. Erdmann's review of new books on how the United States managed to wage the Cold War without becoming a "mirror image" of its adversary, and by Bruce Berkowitz's discovery in the Reagan radio transcripts of the seeds of victory over the Soviet Union.

Night Thoughts of an I.R. Professor

"On May 24, 1863, which was a Sunday, my uncle, Professor Lidenbrock, came rushing back towards his little house, No. 19 Königstrasse, on one of the oldest streets in the old quarter of Hamburg. Martha must have thought she was very behindhand, for the dinner was only just beginning to sizzle on the kitchen stove. . . . 'Here he is! I'm off, Master Axel. You'll get him to see reason, won't you?' And our good Martha went back to her culinary laboratory. I was left alone. But as for getting the most irascible of professors to see reason, that was a task beyond a man of my rather undecided character. So I was preparing to beat a prudent retreat to my little room upstairs, when the street door creaked on its hinges, heavy footsteps shook the wooden staircase, and the master of the house, passing through the dining room, rushed straight into his study. But on his way he found time to fling his stick with the nutcracker head in the corner, his broad-brimmed hat on the table, and these emphatic words to his nephew: 'Axel, follow me!'"

Thus began Jules Verne's novel *Journey to the Center of the Earth*, and in that brief scene he evoked tension and mystery as a prim, bourgeois household is upset by the intrusion of an eccentric scientist and the life of a youth of "undecided character" is transformed by a simple, compelling command: "Axel, follow me!"

If Americans today have any image of Verne it is probably derived from Hollywood: David Niven and Cantinflas riding elephants in *Around the World in 80 Days*, or Kirk Douglas wrestling a giant squid in *20,000 Leagues Under the Sea*. Some may also know that Verne's pioneering science fiction (as it would later be called) inspired Robert Goddard, Wernher von Braun, and virtually all the other pioneers of the space age. Indeed, his book *From the Earth to the Moon Direct in 97 Hours*, first published in 1865, not only anticipated the Apollo program, but also foresaw that it would be done by Americans, that they would quarrel bitterly over the best technological means, that Florida and Texas would compete for the program, that three astronauts would make the journey in a cone-shaped capsule, that they would use rockets to steer and escape the moon's gravity, and that they would

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splash down in the Pacific Ocean to be recovered by the U.S. Navy. More impressive still was Verne's anticipation of the American culture of technology: a mixture of boundless enthusiasm, private initiative, militarism, and P. T. Barnum commercialism.

But there is much more to Jules Verne than the Hollywood image. The fourth most-translated author in history (behind Stalin, Lenin, and the detective writer Simenon), he wrote sixty-four novels and twenty-one short stories that provide the historian with a complex body of thought on what the world was coming to under the press of permanent technological revolution. One expects to meet in Verne a rationalist and promoter of science. Instead, one finds a Romantic. One expects to meet a bohemian like his contemporary French writers Victor Hugo and Émile Zola. Instead, one finds a paragon of respectability. One expects such a futurist to have been a progressive. One discovers an idiosyncratic conservative. Surely one expects to meet an apostle of progress. But Verne ended his life issuing jeremiads about the dangers of another Dark Age. What is more, we still do not know "the man in full" because one night, at age seventy, Verne perversely burned all his papers.

We do know that he was born in 1828 in Nantes, forty miles up the Loire from the ocean, and that his parents expected him to follow his forebears' profession of law. But as Jules's own son later wrote, he had only three passions in life: freedom, music, and the sea. At the age of eleven he tried to stow away on a ship bound for the West Indies. Captured and brought home, Jules promised his mother, "From now on, I will travel only in my dreams," and at eighteen obediently went to law school in Paris. He obtained his license in only two years, but that second year was 1848, when the Parisian crowds rose up again to overthrow monarchy. Jules embraced the revolution and Second Republic, and made his own bid for freedom by rejecting his family's home town, profession, and strict Catholic piety. Still, his father, Pierre, advanced him money, even after 1852 when he wrote them of his dream of becoming a writer: *la litterature avant tout!* He was already devoted to Alexandre Dumas, Daniel Defoe, Victor Hugo, Sir Walter Scott, and James Fenimore Cooper, and devoured Edgar Allen Poe when he was translated into French by Baudelaire in 1854. In that year Verne composed his first fantastic tale, modeled on Poe, called *Master Zacharias, or The Clockmaker Who Lost His Soul.* But he still sought a medium that would indulge his zest for drama and love of the sea. So he spent his days at the Bibliothèque Nationale reading geography, history, and popular science until, in 1857, he married and joined his new brother-in-law's stockbroking firm. Predictably, Jules hated it.

Finally, in 1862, he learned who he was: "It struck me one day that perhaps I might utilize my scientific education to blend together

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science and romance into a work . . . that might appeal to the public taste." The result was a manuscript about balloons, which he showed to Dumas, who showed it to publisher Pierre-Jules Hetzel, who printed it under the title *Five Weeks in a Balloon*. It was an instant best seller, and within two years Jules had quit the brokerage, signed a contract with Hetzel, published *Journey to the Center of the Earth* (inspired by his honeymoon in Scandinavia), and begun *From the Earth to the Moon*. Over the next quarter-century Hetzel employed Verne in a campaign aiming at nothing less than the scientific education of French youth. Hetzel was a positivist, a radical, and an outspoken advocate of secular education. His cause had been set back for a decade when Louis Napoléon granted Catholic orders a virtual monopoly over the schools and Hetzel himself went into exile. But in 1860 he returned to the family publishing house and launched his crusade. If science was to have no place in schools, then it must be promoted in other ways, in the leisure hours of the French reading public. So Hetzel set Verne to work on at least one "scientific novel" per year in addition to didactic magazine stories meant to spoon feed scientific data into his readers while inspiring a sense of wonder about the unknown.

Of course, neither Verne nor his public needed to be convinced of the importance of science and technology in the 1860s. The industrial revolution was transforming France as railroads and telegraph lines multiplied tenfold and the steel, chemical, and electrical industries emerged. But Verne kept his readers' minds fixed on the future, and found in the atheist Hetzel a patron rivaling his own Catholic father.[1]

In 1867, Verne fulfilled a long-standing dream when he toured America. He sailed the Atlantic on the gargantuan steamship *Great Eastern*, made famous the year before when it laid the first transoceanic cable. Verne was impressed by the mighty material civilization of the United States and celebrated the completion of the Transcontinental Railroad (as well as the Suez Canal) in *Around the World in Eighty Days* (1872). But for the first time he felt doubt about the gospel he preached, and portrayed American society as a runaway machine. A second warning came just months after he was awarded the Legion of Honor, when, in 1870, a German army deploying Krupp's mammoth steel cannons smashed the French army and besieged Paris. Thanks to superior science and technology, it seemed, evil had triumphed.

The 1870s were nevertheless the happiest years in Verne's life. He enjoyed his celebrity, settled comfortably in his wife's hometown of Amiens, and purchased the first of three yachts. But beginning in

[1] But where Pierre Verne was generous, Hetzel was mean. Verne did not know it at the time, but the million francs he earned in royalties paled beside the 5 million francs garnered by Hetzel in profits from his books.

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1879, an unrelieved series of tragedies ensued: Verne's wife became an invalid, his only son, Michel, rebelled in turn and sired three children by various disreputable women, and in 1886 a demented cousin shot Verne in the foot and left him a cripple. The following year Hetzel and his mother both died, and by 1890 Verne suffered from facial neuralgia and stomach disorders so severe that he could no longer enjoy food and drink. In 1900 cataracts destroyed his eyesight, and in 1905 Verne died at seventy-seven of a diabetic seizure.

Throughout all the searching, success, and suffering, Verne pondered the meaning of the progress of science, and his novels reveal a gradual shift of emphasis from the science itself (with the characters just along for the ride) to the human characters (with the science just serving as vehicle). Indeed, his earliest works are so pedagogical that they might strike us today as boring. One is almost halfway through *Journey to the Center of the Earth* before the heroes are even underground, thanks to long passages of geological instruction. *Earth to the Moon* is cluttered with lectures on ballistics, metallurgy, and astronomy. *Twenty Thousand Leagues Under the Sea* is full of recent discoveries in oceanography and marine biology. *Measuring a Meridian* takes its heroes to Africa for the sole purpose of explaining the surveyor's art. But what made his books popular were the dangers his heroes surmounted as modern knights errant questing for truth and invariably saved by their knowledge of science itself. Axel tries again and again to dissuade his uncle from the mad descent down an old volcanic core in Iceland until Professor Lidenbrock finally insists: "Enough! When Science has spoken, it behooves us to be silent." In the end, it is Lidenbrock's knowledge of volcanoes that allows the party to ride an erupting plume back to the surface of the earth. The most striking allegory is *The Mysterious Island*, in which castaways reconstruct modern society almost from scratch thanks to the presence of the American engineer Cyrus Smith. In the eyes of a simple sailor, "If Smith wasn't a god, he was certainly more than a man." We find out later that another godlike figure provided the exiles with invisible help: Captain Nemo.

The message of these novels is a virtual catechism. Science permits human beings to locate themselves in the cosmos, survive perils, unlock Nature's secrets, serve their fellow man, and finally become "more than a man." All this might seem to amount to a hyperempirical positivistic stance: science as a secular religion. Lidenbrock says, "My boy, science is made from mistakes, but such mistakes are good to make, because they lead little by little to the truth." In the adventure of *The Steam House*, the engineers insist that the history of science must inevitably end in humanity's total mastery of Nature. In *The Mysterious Island*, Cyrus Smith is described as a living book "always ready, always open to the ex-

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act page they needed," and the meticulous Phileas Fogg of *Around the World in Eighty Days* is a creature of his railroad and steamship timetables.

But there was another side to Verne that was anything but positivistic. He frankly *romanticized* science and technology as fairy lands liberating his middle-class readers (and himself) from the tedium of modern urban life. In his *voyages extraordinaires*, man's imagination drives technology, to be sure, but technology in turn expands travel, travel enriches science, and science sparks man's imagination. What is more, this giddy upward spiral does not reduce humanity and Nature to the level of cosmic machines, but raises all Creation, including man and machine, to a supernatural level. Thus did Axel, traversing a great subterranean sea, stare at the geological layers on the immense rocky cliffs and dream of being swept backward across eons: "Centuries passed by like days. The plants disappeared; the granite rocks softened; solid matter turned to liquid; water covered the globe, boiling and volatilizing; steam enveloped the earth, which gradually turned into a gaseous mass, white-hot, as big and bright as the sun. In the center of this nebula, I was carried through interplanetary space. My body was volatilized in its turn and mingled like an imponderable atom with these vast vapours tracing their flaming orbits through infinity." Here, just five years after Darwin published *On the Origin of Species*, is a vision of evolution that, far from draining Nature of meaning, calls its readers to worshipful wonder at the majesty and unity of Creation.

The same Romanticism suffused Verne's technological visions. We learn over and over again how Nature imitates machines. But so, too, do machines imitate Nature, as when Nemo's submarine *Nautilus* is taken for a sea monster, Robur the Conqueror's flying machine for a great bird, and the Rajah of Bhutan's steam house for an elephant. And just as human beings commune with Nature, and Nature with machines, so do machines commune with human culture, as in the exquisite interiors of the *Nautilus* crammed with the greatest art, books, and musical instruments. Reason and spirit, Nature and man—once united in Christian orthodoxy but torn apart since the Scientific Revolution—are resolved again in Verne's imagination.

Verne never shared the precise sources of his mystical, yet modernist vision, but one of them may have been another powerful movement in nineteenth-century France: St.-Simonianism. Henri de Saint-Simon was among those who first popularized the term *ideology* in the decades after the French Revolution of 1789. He elevated science to holy writ and called for a "new Christianity" based on morality without metaphysics, technology without theology, the abolition of politics, and the satisfaction of all human wants through science and socialism. After his death in 1825 his disciples looked to the mystic East

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for salvation. They planned railroads to connect Asia, Africa, and Europe, and imagined Egypt the "nuptial bed" for the union of East and West. They dreamed of a high dam on the Nile at Aswan, and spoke of "pierc[ing] the virgin membrane of the Suez isthmus with a canal." They considered the "vagabond electricity that circles the globe" to be "the universal libido" by which the masculine West would fertilize the feminine East and regenerate the human race. There is no evidence that Verne indulged in the wilder fantasies of the St.- Simonian circle, but he surely applauded the later technocratic fruits of the movement, including Baron Haussmann's redesign of the city of Paris, Eiffel's tower, and Ferdinand de Lesseps's Suez Canal.

"Axel! Follow me!" But where—and why? How did Verne's curious Romantic rationalism translate into politics? Did he really believe that scientific progress would transform human nature, or did he foresee the potential of human nature to corrupt science? The evidence is tantalizingly mixed. Verne did support the Revolution of 1848, but when it degenerated into violent class conflict during the June Days he stood on the side of law and order. When Louis Napoléon then overthrew the republic and made himself emperor, Verne at first disapproved. But he was later transported by the regime's energetic promotion of science and industry and was pleased to receive the Legion of Honor from the emperor's hand. Verne deplored the socialist Paris Commune of 1871, but was always sentimental about the poor and oppressed, and hated the power of money. In 1888 he ran for town council on a leftist ticket, but in the 1890s stood with the Right during the bitter, anti-Semitic Dreyfus Affair.[2] Perhaps we may take Verne's campaign speech at face value: "In social matters my taste is order; in politics my hope is to create within the present government a reasonable party that balances respect for justice and religious belief with consideration for people, the arts, and life itself."

The other place to turn for clues to Verne's politics is his novels. But there, too, contrary trends emerge: support for national liberation movements such as the Irish and Polish, but also a strong pacifist streak; paternalism toward colonial peoples, but a hatred of slavery and imperialism (especially British); sympathy for utopian experiments, but resentment toward state power; affirmation of free enterprise, but assaults on big capitalism (especially American); a celebration of loyalty and community, but sympathy for militant individualism. Consider *Propellor Island*, a tale hilarious on the surface, but as cynical as Mark Twain underneath. A consortium of capitalists has decided to flee all governmental control by constructing a huge artificial island powered

[2] Dreyfus was a Jewish captain in the French army who stood accused of spying for Germany. Since there is no overt evidence of anti-Semitism on Verne's part, it is likely that he sided reflexively with the anti-German "patriotic" camp.

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by four mighty engines: a high-tech, floating Xanadu staffed with the best engineers and entertainers. But in the course of their voyage the islanders collide with an innocent Polynesian culture, whereupon bloodshed and internal dissension ensue. Political parties emerge and tyrants seize control of the four propellers until, in an act of all-too-human spite, they set the engines working against each other and the island breaks apart to sink 'neath the waves.

The Survivors of the Jonathan, published posthumously in 1909, was the last in Verne's long line of such "island stories" in which he played out various thought experiments. This time, an anarchist has fled Europe's oppression and taken refuge on an island in the Straits of Magellan. Revered by the local Patagonians, who call him their Kaw-Djer, he stands on the rocks and shouts in defiance, "No God, No Master!" But he is undone by pity. When an American ship is wrecked nearby, the Kaw-Djer comes out of hiding to teach the unfortunates how to survive. The colony wins recognition from the Chilean government and begins to build a utopia. Before the second year is out, however, sectarian socialists and communists fall into civil war. The common folk appeal to the Kaw-Djer, who again emerges from solitude to restore peace and prosperity. But then gold is discovered and greedy prospectors from all over the world invade to ruin paradise all over again. The Kaw-Djer despairs, "Human nature does not change," and removes himself to the remotest island of all to die alone, and therefore at peace.

The most enigmatic of Verne's political spokesmen is Captain Nemo, the libertarian, pacifist rebel who has forsaken the lands of the men he calls "sharks" for the ocean floor. His submarine, implicitly powered by a mighty voltaic cell, is perfect, his crew happy and loyal, and even the shipwrecks he has fished out of the sea love what Nemo has achieved—all except the Canadian sailor Ned Land, who only wants to go home. In his simple way he makes clear that one man's freedom is another's slavery. So how can free men live together at all?

In *Mysterious Island* we learn that Nemo (Latin for "No Man") was an Indian prince educated in Europe in both art and science: the Romantic positivist again. But upon his return to India he was crushed to learn that his people had rebelled against British civilization (the Sepoy Mutiny) and that the British had slaughtered his family. So he used his fortune to build the *Nautilus* on a secret isle and create, as it were, a civilization of one. When in the end Nemo's submarine is trapped beneath the "mysterious island," he asks engineer Smith to pass judgment. "Sir, your error was in supposing that the past can be resuscitated, and in contending against inevitable progress. It is one of those errors which some admire, others blame; which God alone can judge."

The last words of *20,000 Leagues* are "Captain Nemo and my-

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self," and Verne's three passions—freedom, music, and the sea—are Nemo's passions, too. Certainly, Nemo is Verne's alter ego and a more mature type of Vernian scientific hero. The first type was didactic and optimistic, the second tragic and misanthropic. Indeed, in Verne's last works the scientists are often not heroes at all. For after the Franco-Prussian War of 1870–71, he began to invent mad scientists and evil geniuses. In *The Begum's Fortune* (1879) another Indian rajah bequeaths his wealth to two teams of scientists charged to make great breakthroughs for the betterment of humanity. The teams purchase huge tracts of land in Oregon and set out to fashion rival utopias. The first, Franceville, is a model of public health, welfare, education, and peace. The other, Stahlstadt, is a German industrial slave state, with all materials and labor mobilized for the manufacture of an ultimate weapon. In the end, Stahlstadt's weapon misfires, the city explodes, and the evil Dr. Schultz is frozen to death by escaped carbolic acid: a double denouement anticipating the death of mankind by fire and ice in Robert Frost's poem.

At least the bad guys are destroyed. But even the good French scientist poses a very contemporary problem when he first learns of the Begum's bequest: "the 500 millions chance has put into my hands is the property of science. Are *you* prepared to be the parliament which shall distribute this budget?" Verne's later books suggest that he indeed saw the dangers of planned science, whether in the hands of governments or corporations. But that does not necessarily mean that he lost his faith in the march of science and technology. What he lost was his faith in mankind, whether in groups or as individuals, whether socialist or capitalist. And at that point Verne, who had already moved from pedagogy and positivism to prediction and politics, drifted at last into prophecy.

What was the content, if any, of Jules Verne's spirituality? The apparent conflict between science and religion, after all, was the leitmotif of his era of European history. He seems to have discarded strict Catholicism and he surely opposed clerically controlled education. Yet his best friend once described him as "most Catholic," and Verne was moved to tears by an audience with Pope Leo XIII in 1884. The evidence of his novels is also mixed. Verne's characters readily affirm the new theories about the ancient age of the earth and the evolution of life. But they just as clearly pronounce man and Nature to be works of the Creator. Clergymen and the Church are strikingly absent in his novels. Only two priests of any importance appear in the sixty-four volumes, and they function as the partisan leaders of oppressed nations rather than spokesmen for theology. God, on the other hand, is omnipresent both as the Divine Architect and the Providential force behind events. For even though Verne's awesome occurrences like volcanic eruptions, magnetic attractions, and mael-

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stroms are all painstakingly explained by reference to science, these "acts of God" also serve to puncture the pride of the human protagonists. An earthquake does in Captain Nemo and an electrical storm ends the career of Robur, "Master of the World." More often, natural cataclysms occur at just the right moment to save the heroes' lives or shape their character development. In many such scenes, Verne refers to the mysterious purposes of God, The Creator, or Providence. In others, he identifies this guiding force as Nature, Fate, Destiny, Chance, or just The Unknown.

Three things are sure. Verne gradually came to reject the notions (1) that science was the sole key to understanding reality; (2) that science could yield the moral principles needed for its own proper use; and (3) that any of the nineteenth century's political creeds might overcome human greed, envy, cruelty, lust for power, and pride. Where then could Verne turn at the end, as his personal tragedies also piled up? Is this story going to end in a deathbed conversion with Verne, the apostle of science, returning to the Catholic faith of his childhood?

Well, a priest was present at his demise, but there is no evidence of a conversion in the last story he wrote. "The Eternal Adam" tells of a *zartog* (doctor) of science in the distant future who has devised an evolutionary, progressive theory of history. Unfortunately, his archeological studies fail to confirm his hypothesis. He finds evidence that periods of advanced civilization seem to alternate with periods of barbarity. Then the *zartog* discovers a manuscript that dates (the reader knows) from our own era. It describes in bone-chilling terms the destruction of earth by massive floods evidently triggered by some man-made holocaust. The author of the journal then relates how he set out with a few other survivors, like Noah's family, to begin civilization again. But at the end the author records in despair that the youth have no appetite for the past, and that all human knowledge is destined to die with him.

The *zartog* lays down the manuscript "feeling the pain of those who had suffered long before, crushed beneath the weight of so much effort expended in vain through the eternity of time [and] slowly and sorrowfully came to realize the eternal cycle of things."

So Jules Verne departed this life on a Nietzschean note. And the words of Nietzsche's old pope in *Zarathustra* may well be considered Verne's epitaph: "O Zarathustra, you are more pious than you believe, with such an unbelief! Some god in you has converted you to your godlessness."

(Item: *a team of scientists ready to clone the first human being seeks government to host their research.* Philadelphia Inquirer, *March 18, 2001.*)

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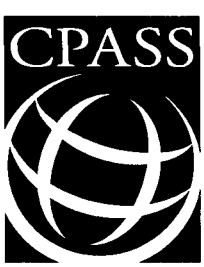

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America and the West

America, the West, and the World

by William Anthony Hay

In October 2000, the Foreign Policy Research Institute launched a new study group on globalization within its Center for the Study of America and the West. The project brings together specialists from a variety of disciplines to discuss aspects of globalization, and the papers derived from its sessions will be a new feature in *Orbis*. The study group's focus is deliberately broad, and will encompass issues of historical, theoretical, and contemporary policy interests. It will, moreover, build upon the center's general explorations regarding the United States' role within the Western tradition and what that means for international politics today.

The phenomenon of globalization, however inchoate the concept, poses innumerable challenges to Western governments and societies. Revolutionary changes in technology and communications have conquered what Australian historian Geoffrey Blainey has called "the tyranny of distance." Goods, people, and information move today across continents and oceans at unprecedented volumes and speeds, slaying distance and accelerating the general pace of life. The end of the Cold War removed political barriers to globalization, while demonstrating the ascendancy of Western values. Growing public awareness of the impact of international trade and migration has also worked to push globalization to the forefront of debate.

What does globalization mean for the West? Since the sixteenth century, the nations of Western civilization have been the driving wheels of modernization, and one definition of globalization is simply the spread of modern institutions and ideas from Europe to the wider world. This transfer occurred in waves, with the discovery of direct trading routes to Asia and the Americas. Technological innovation and economic growth, along with such concepts as democracy, individualism, and the rule of law administered by an

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impartial judiciary, set Western societies above and beyond any possible rivals. Other cultures looked to the West as a model, a threat, or some combination of both. Those most successful in their confrontations with Western states, notably Japan in the nineteenth century, incorporated Western technologies and institutional arrangements into their own systems. Other societies fell prey to Western rivals and were incorporated into their empires, either directly, as in the case of India and much of Africa, or indirectly, as in the informal control exercised over China and Persia. These patterns continued even through the era of twentieth-century decolonization. But how will the balance between the West and other civilizations change?

Samuel Huntington has argued provocatively that civilizational competition or even conflict will characterize the post–Cold War international order. Singapore's Lee Kuan Yew and Malaysia's Mahathir Mohammed have both criticized many aspects of contemporary Western (particularly American) life and trumpeted the "Asian values" said to account for the economic success of their own societies. Mahathir presents his regime as an alternative to the Western model, particularly after the 1997 financial crisis in Asia prompted complaints of Western exploitation as investors snatched up undervalued local assets at bargain prices. Islamic leaders in Turkey, Iran, and Egypt have offered similar critiques of the West's decadence to justify their own resistance to aspects of its culture. Thus, Western predominance may, as Huntington suggests, give way to a balance between civilizations that have developed patterns of modernization distinct in important ways from the West.

On the other hand, James Kurth and Alan Charles Kors have suggested that the main conflicts of the future will occur within the West itself as critics and defenders of its traditions struggle for control. Kurth has described with precision how Protestant Christianity was gradually distilled into a largely secular ethical system that now rejects Western tradition and history. His essay for our series builds on that theme and asks what the various conflicts that have defined the West will mean for its future. Kors poses the question of why key members of the Western intelligentsia remain skeptical toward—or even opposed to—Western ideas despite their self-evident success, and even though they themselves think according to Western categories. Such critics increasingly set the tone for public debate, raising concerns about the impact of their deep pessimism. Stephen Presser examines another facet of that conflict by discussing the revolution in American jurisprudence and its influence as a model on other legal regimes. The "culture wars" in the United States, with their echoes in Europe and Australia, illustrate persistent Western concerns about the future.

Societies, like individuals, define themselves through narratives about their past, and it comes as no surprise that conflicts over American and Western identity have come to focus on history. Multiculturalism, for example, rejects the idea of an American identity rooted in European culture and

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history, and describes the United States instead as a "universal nation" drawing upon many cultures, thereby demoting, if not damning, its European heritage. Many theorists of globalization argue that relationships in Asia and Latin America will have a greater impact on America's economic and cultural future than Europe will. The assumptions behind both globalism and multiculturalism posit a society emancipated from historical legacies through the agencies of technology, public administration, and individual transcendence. History thus becomes a kind of antiquarianism that explores a lost world about which we really need know nothing in order to address practical matters.

The Center for the Study of America and the West's study group respectfully dissents from this ahistoricist vision. We believe that history inevitably provides the context for policy decisions and shapes public sentiment. Consider how often politicians refer (rightly or wrongly) to the lessons of history. Iraq's invasion of Kuwait called forth the "lessons of Munich" against the futility of appeasing aggression. The Balkan crises prompted warnings about the "lessons of Vietnam." It is also worth noting that historical analogies shaped contemporaneous discussions of both appeasement in the 1930s and the Vietnam War. Elites and the general public respond to such rhetoric, but the way they understand major events and their context determines how they respond. What policy lessons, for example, might follow from a history of American industrialization that focused on the nineteenth-century protectionist regime established by the Morrill Tariff and drew favorable comparisons with the German *Zollverein?* Free trade would not appear important to economic development, and protectionism might seem to offer a reasonable means of promoting national cohesion. A history of the 1920s and 1930s that highlighted America's adoption of the Smoot-Hawley Tariff and the consequent spread of "beggar thy neighbor" policies through the industrial world would lead to exactly the opposite perspective. Countries whose governments have historically used their armed forces for domestic policing often view civil-military relations differently than Americans do. Thus, historical experience has shaped the way Italy and Spain use conscription as a means to dilute the political influence of professional elements of their armed services, whereas Americans, mindful of the political and social repercussions of opposition to the draft during the Civil War and Vietnam, tend to draw very different conclusions.

The decline of historical understanding also has cultural and social consequences. Observers have noted how multiculturalism frays the threads of American unity, but less attention has been paid to the way it isolates the United States from other Western societies. Grand themes that formerly linked the public imaginations of not only Americans, but Britons, Frenchmen, and other peoples of European origin, have declined in importance, making it harder to preserve the integration of modern cultures. Classical and medieval history have become merely subjects of scholarship rather than

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points of common reference for educated people. The Renaissance, Reformation, and Enlightenment, once treated as transnational phenomena that shaped the modern world, are now deconstructed and denounced as myths concocted to serve Western imperialism. Even the traditional narratives of national history have fallen from favor with the deconstruction of the identities that informed them. Linda Colley and Norman Davies, for instance, have described "Britain" as having been invented in the eighteenth century out of the component parts of the British Isles and have challenged its value in a postimperial age, while Jürgen Habermas has repudiated "German" history as anything beyond grounds for atonement. Types of history practiced in various Western societies are increasingly unlike, and books that speak with eloquence to one audience frequently fail to engage the concerns of another. The result can be seen in the ongoing divergence of mentalities within the West, and particularly in the declining emphasis on European history in American schools.

Debates over the place of history in U.S. high school curricula became more heated in the 1980s and 1990s with a proposed set of National History Standards. The Foreign Policy Research Institute (FPRI), which has worked since 1955 to provide the intellectual foundation necessary for promoting American interests overseas, labored anew to demonstrate the need to bring the best of recent scholarship to bear in the classroom. Hence, the institute established a series of programs for teachers that laid the foundation for the Center for the Study of America and the West. Early activities of the center included weekend-long history institutes, lectures, and seminars covering such topics as teaching the Vietnam War, the Cold War, American foreign policy since 1776, and multiculturalism in world history. Several projects complemented the center's workshops for teachers by exploring the elements of Western civilization and their continued relevance to politics and culture in contemporary America. The success of these initiatives led FPRI to expand the center in 1999 and inaugurate its new study group on globalization.

The study group papers, the first three of which are published here, combine a comparative approach with a long-term perspective in an effort to define and understand globalization as a process involving the transfer of institutions, ideas, and cultural models, even among Western societies themselves. Forthcoming papers in the series will explore the likely future of war and American power, historical lessons for transnational economic systems, and economic prospects for cooperation among English-speaking cultures. Lurking behind all the study group's investigations are three momentous queries: Will America survive in the twenty-first century? Will America survive, but not the "West" it has recently led? If not, can world order survive their demise?

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America and the West

Global Triumph or Western Twilight?

by James Kurth

For most of the twentieth century, the idea of the West figured prominently in America's understanding of its role in the world.[1] During the two world wars and much of the Cold War, the United States saw itself as the defender of Western civilization. At the beginning of the twenty-first century, however, the idea of the West is largely absent from American discourse about world affairs. There is much talk of globalization today, but little of Westernization. Is this because globalization is really just a more acceptable name for Westernization? Or is it because the American elite have now abandoned Western civilization for the sake of some post-Western project, be it the global economy or something else? What is the meaning of the West in the age of globalization, and what is to be its fate?

The Three Sources of the West

Although no consensus exists as to a definition of the West, scholars of the subject typically acknowledge its derivation from three distinct sources: the classical culture of Greece and Rome; the Christian religion, particularly Western Christianity; and the Enlightenment of the modern era. Some interpreters tend to favor one source over the rest, others have seen the West as the synthesis of all three, and still others understand the West in terms of the historical conflict among them.

The first source of the West was classical culture. In the realm of politics, for example, Greece contributed the idea of a republic, while Rome contributed that of an empire. Similarly, Greece contributed the idea of

[1] This article is adapted from a presentation made to the Foreign Policy Research Institute's Study Group on America and the West, Philadelphia, Pa., Oct. 2, 2000.

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liberty, and Rome, that of law. When combined, these ideas gave rise to the important concept of liberty under law.

Christianity shaped the West in several significant ways. Christian theology established the sanctity of the individual believer and called for obedience to an authority (Christ) higher than any secular ruler (Caesar), ideas that further refined and supported the concept of liberty under law. Christian institutions, particularly the papacy of the Roman Catholic Church and its ongoing struggle with the Holy Roman Emperor and local monarchs, bequeathed to the West the idea of a separation, and therefore a limitation, of powers.

The third source of the West was the modern Enlightenment, which provided the ideas of liberal democracy, the free market, and the belief in reason and science as the means for making sense of the world.[2] More particularly, Britain's Glorious Revolution of 1688 emphasized liberty and constitutionalism, while the French Revolution of 1789 emphasized democracy and rationalism. The differences between the Enlightenment in Britain and on the continent would give rise to important divisions within the West during much of the nineteenth and twentieth centuries. This was the case in regard to the Industrial Revolution and the different responses to it; both state guidance of the economy and Marxist ideology played a much greater role on the continent than in Britain or the United States.

With the introduction of each new source, the geographic definition of the West has grown successively more restrictive. Since the heirs to Greece and Rome include Russia and other Eastern Orthodox countries, an emphasis on classical culture permitted the inclusion of Eastern Europe within the West. An emphasis on Western Christianity excluded Eastern Europe, but included Central Europe (particularly Germany, Italy, and the lands of the Habsburg empire). Finally, during the world wars, an emphasis on the modern Enlightenment excluded Central Europe and only included Western Europe and North America, along with Australia and New Zealand.

The Central Role of Central Europe

At the beginning of the twentieth century, nations within the West ascribed different degrees of importance to the three traditions. Britain and the United States especially emphasized the Enlightenment ideas of liberal democracy and the free market. France also emphasized liberal democracy, but joined it with the notion of rational administration. In all three nations, schools continued to teach the classical tradition, and most of the population

[2] See the account of the Enlightenment given by Alan Charles Kors in this issue of *Orbis*. See also William H. McNeill, "What We Mean by the West," *Orbis*, Fall 1997, pp. 513–24; and David Gress, *From Plato to NATO: The Idea of the West and Its Opponents* (New York: Free Press, 1998).

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remained Christian, but the social elite mainly adhered to Enlightenment ideas and indeed held them to be ends in themselves.

Germany and Austria-Hungary represented a different version of the West. There, the Enlightenment ideas of rational administration, science, and technology were prominent, but those of liberal democracy and the free market were not. Principles of the Enlightenment were understood as providing the means for furthering the ends of society, but not as ends in themselves. Rather, the ends of society were derived largely from traditional ideas and values found in classical culture and Christianity. Germany and Austria-Hungary thus thought that they represented a more balanced, authentic, and elevated version of the West than did the nations farther to the west. In other words, Germany and Austria-Hungary considered themselves more civilized than the other major powers of Western civilization. Indeed, in 1900 a reasonable observer could have concluded that the most advanced part of the West was the German-speaking world, or *Mitteleuropa*. Its vitality and leadership in art, music, science, technology, and public administration provided models for everyone else, and its vibrant cities drew people from around the world. The new century would surely be known as the German century.

Of course, the First World War, that great civil war within the West, severely damaged the German version of the West, and the Nazi regime and the Second World War utterly destroyed it. As a result, the version of the West propounded by the Allies, and particularly the westernmost of them, ascended to uncontested dominance. The United States became the definer as well as the defender of the West, and the twentieth century became the American century—a notion that at the beginning of the century would have seemed preposterous.

Not surprisingly, the most restrictive geographic definition of the West, emphasizing the Enlightenment and thus only Western Europe and North America, prevailed in the United States and Britain during the fight against Germany and Italy in the Second World War. After the Allied occupation established support for, and institutions of, liberal democracy and the free market in West Germany, Austria, and Italy, the conception of the West could again include those countries. This expanded definition then became critical to the Cold War contest with the Soviet Union. Finally, in the post–Cold War era, with the transformation of Poland, the Czech Republic, and Hungary into liberal democracies and market economies (and also into members of NATO), the Enlightenment conception of the West could at last be definitively extended to encompass most of the remaining parts of Central Europe. By this time, however, and in contrast with the earlier eras of the Second World War and the Cold War, most of the American elite were no longer interested in any notion of the West, whatever its historical source or geographical definition.

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The Role of Creative Tensions

The conflicts, creative tensions, and unstable equilibria among the West's three sources constitute some of the most distinctive features of the West. Individual and community, faith and reason, liberty and law, market and society—all coexist as a series of uneasy pairings. Because of the tradition of separation of powers, each of these conflicting but enduring elements has been represented by conflicting and enduring political institutions. That is, the tensions themselves have become institutionalized. Each element has also crystallized around a particular social elite, thereby giving a collective voice and face to the tensions. Of course, variants of these four tensions have existed within most societies and indeed within most complex individuals; in some senses, they are universal. Only in the West, however, have they been embodied and sustained in separate political institutions and social elites over long periods of time.

In recent decades, however, the dominant elites in the West have chosen particular sides in the four conflicts, tipping the scales in favor of the individual, reason, liberty, and the market. This imbalance has sapped the creative tensions of their vigor and energy. Conversely, for many years the mass of the population often stood on the side of the community, faith, law, and society. In the United States this led to a "culture war" between the elite and the rest of the population. Today, however, it appears that a broad consensus is emerging around liberal individualism.[3]

The Divergent Narratives of Europe and America

During much of the twentieth century, two distinct narratives of the West corresponded to its two distinct regions. The European narrative depicted the decline of the West, the reduction of Europe and its high culture to the mere civilization, or even economy, of America. This story ended with a European Greece subordinated to an American Rome. In contrast, the American narrative depicted the rise of the West. According to this account, the Western tradition reached its fulfillment in the "American Creed," the idea that liberty, individualism, the rule of law, constitutionalism, liberal democracy, and free markets together enable equality of opportunity. This story ended with the portrayal of the United States as the champion of the West against the East during the epic struggle that was the Cold War.

In some ways, the two narratives derived from different views of the place of the Enlightenment in the definition of the West. The most articulate authors of the European narrative were European conservatives, who were

[3] James Davison Hunter, *Culture Wars* (New York: Basic Books, 1991); Christopher Lasch, *The Revolt of the Elites and the Betrayal of Democracy* (New York: W.W. Norton, 1995); Ronald William Dworkin, *The Rise of the Imperial Self: America's Culture Wars in Augustinian Perspective* (Lanham, Md.: Rowman and Littlefield, 1996).

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largely critical of the Enlightenment. They drew their support from agrarian interests, the established churches, and the military services, which had largely dominated European society before the Enlightenment. During the first half of the twentieth century, these sectors were strongest in Central Europe, but they were also substantial in Western Europe as well. During the second half of the century, however, as the role and importance of each of these sectors steadily diminished, the expositors of the narrative of decline themselves underwent a decline. Their last great spokesman—and a magnificent one he was—was President Charles de Gaulle of France, who did everything he could to resist the decline of France, and of Europe, within the American empire. After him came the deluge that swept away the remaining representatives of the old order. By the end of the twentieth century, there were few Europeans left who still defended the old European version of the West.

Conversely, the most articulate authors of the American narrative were American liberals, who were largely enthusiastic about the Enlightenment. The core elements of their social base were international business interests, liberal professionals (particularly lawyers, academics, and journalists), and government officials. During the second half of the twentieth century, the role and importance of each of these elements steadily increased. The expositors of the narrative of the rise of the West themselves began to rise. Americans had a hard time comprehending the European narrative or even the European sense of tragedy. For their part, Europeans found the American narrative, especially the American lack of a sense of tragedy, superficial and puerile. The American who best represented the European understanding was George Kennan, but although much admired, his many thoughtful and sensitive books seem to have had no influence on actual American policies toward Europe and the West.[4]

The World and America Transformed

Both narratives have been superseded in recent years, however, by two transformations: one within the world at large and the U.S. position in it, the other within the United States itself. The former corresponds to the end of the Cold War and the onset of the era of globalization. In this new period, the United States is the sole superpower, the principal promoter of the global economy, the leader of the information revolution, and the most advanced postmodern society.[5] If America is the fulfillment of the West, then the triumph of America in the world is the triumph of the West.

However, America itself has also undergone a great transformation

[4] See George F. Kennan, *Memoirs*, 2 vols. (Boston: Little, Brown, 1967–72); and his *Sketches from a Life* (New York: Pantheon Books, 1989).

[5] James Kurth, "American Strategy in the Global Era," *Naval War College Review*, Winter 2000, pp. 7–12.

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that corresponds to the transition from the old American Creed to the new ideology of multiculturalism. The dominant view of liberty changed from possessive to expressive individualism. The foundation of law shifted from reason to rationalization. The social elite now identify themselves not with the West, but with something that is consciously "post-Western." Indeed, among many of them, it is fashionable to offer comprehensive criticism not only of Western traditions and achievements, but even of many elements of the American Creed.[6] If America has truly become the post-West, then the triumph of America in the world is actually the twilight of the West.

Why have the American elite, who for much of the twentieth century thought of themselves as the definers and the defenders of the West, now become critical and even contemptuous of the Western tradition? What explains the transformation in America toward an active rejection of the West at the same time that its role in the world suggests the apparent fulfillment of the West? As it turns out, the two transformations are connected. The rise of globalization in the world has itself helped to bring about the rise of multiculturalism in the United States.

Why have the American elite become contemptuous of the West?

During the early Cold War, the places that presented the most attractive and most secure opportunities for American business were found among U.S. allies. Most of these allies were in Western Europe (which was obviously part of the West and was protected by NATO) and in Latin America (which could be seen as an heir to the West and was protected by the Rio Pact). The idea of the West thus meshed well with the scope of American business interests.

During the later period of the Cold War, however, American businesses sought to expand into regions well beyond any definition of the West, especially the Middle East and East Asia. The idea of the West then became ill fitting and constrictive, and so began the search for a broader concept that would serve as America's cultural identity and simultaneously promote American business interests. One candidate for such a concept was the notion of individual and universal human rights.[7] Then, after the collapse of the Soviet Union and the end of the Cold War, the sole superpower could protect and promote American business interests anywhere in the world. Thus arose a concept as broad as the globe itself: globalization.

At about the same time that the United States was stepping out into the whole world, the whole world was coming to the United States. The Immigration Act of 1965 radically shifted the sources of new arrivals, which

[6] Arthur M. Schlesinger, Jr., *The Disuniting of America: Reflections on a Multicultural Society*, rev. and enl. ed. (New York: W.W. Norton, 1998); James Kurth, "The Protestant Deformation and American Foreign Policy," *Orbis*, Spring 1998, pp. 227–39.

[7] James Kurth, "NATO Expansion and the Idea of the West," *Orbis*, Fall 1997, pp. 561–65.

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had been mainly from Europe, to Latin America, East Asia, the Middle East, and Africa. In addition, the Civil Rights Act of 1964 and the Voting Rights Act of 1965 produced a dramatic change in the position, and expectations, of African Americans in American society. By the 1980s, the United States was no longer completely dominated by the descendants of immigrants from the West. Having become a truly multicultural society, it was perfectly natural that some kind of multicultural ideology would develop to reflect this reality.[8]

The development of such an ideology may have been natural, but it was not inevitable. Instead of adopting a new ideology to accommodate new arrivals, Americans could have attempted to assimilate them, as earlier generations had done with the last great wave of immigrants in the early twentieth century. The American elite responded to the European immigrants of that time by promoting the American Creed and Americanization. But that had also been a time when American businesses believed their most attractive opportunities lay within the United States, and thus actively supported the Americanization project. By the 1980s and 1990s, American businesses found their most attractive opportunities to be in a multitude of places and in the midst of a multitude of cultures. Faced with the challenges of such diversity, in terms of both their markets and their employees, American businesses became a crucial part of the political coalition behind the project of multiculturalism. From their point of view, globalization and multiculturalism were two sides of the same coin, whereas Westernization and Americanization had become obsolete and constrictive.

On closer inspection, however, what American business wants is the spread of particular elements of Western civilization and the American Creed: the free market, the rule of law (at least business law), freedom of the press, and the liberty of the individual, or what is sometimes described as the Washington Consensus or the "golden straitjacket."[9] These elements are more likely to be adopted if a host country can interpret them not as Western or American, but rather as global concepts reflecting "universal" economic rationality and human rights. In fact, of course, they are largely drawn from the Anglo-American traditions of the Enlightenment. The other sources of the West, classical culture and Christian religion, no longer serve any major economic interest, and therefore they have no meaning for the business elite. The version of the West being advanced by the United States through the project of globalization is thus a narrow, shallow one.

Strangely, perhaps, American foundations, universities, and media have joined the grand coalition to promote multiculturalism, even while they criticize various aspects of globalization. The cultural elite are especially

[8] Michael Lind, *The Next American Nation: The New Nationalism and the Fourth American Revolution* (New York: Free Press, 1995), chap. 3.

[9] Thomas L. Friedman, *The Lexus and the Olive Tree*, expanded ed. (New York: Anchor Books, 2000), chap. 6.

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eager to tout such elements of Western civilization as the liberty of the individual, academic freedom, and freedom of the press. Once again, the other Western traditions that do not reflect liberal individualistic values fall by the wayside. If anything, the version of the West advanced by the American cultural elite is even shallower than that being advanced by the American business elite.

The West's Uncertain Prospects

Whether the current state of the West is cause for hope or despair depends heavily on one's perspective. One can focus on globalization and particularly on the Washington Consensus with its emphasis on the free market, the rule of law, the freedom of the press, and the liberty of the individual. From this perspective, one will see the triumph of the West, but a West largely derived from the Anglo-American Enlightenment.

Alternatively, one can focus on multiculturalism and particularly on what might be called the multicultural contradictions of global capitalism[10]—on the shifts from a production to a consumption ethic, from possessive to expressive individualism, from liberty under law to unrestrained liberty, and from a perception of the United States as the fulfillment of the West to its being the first universal and multicultural nation. In a country that rejects its inheritance from classical culture and Christian religion, and whose postmodernist elite even reject reason and science, one will see the twilight of the West.

Finally, one can focus on "the clash of civilizations," a coming conflict between "the West and the rest," especially the modernizing countries of Asia.[11] The rise of Asian cultural confidence, moreover, is supported by the rise of Asian military power.[12] From this perspective, one will see a long period of trial for the West.

The true nature of the emerging West is not yet settled, but some of its features are clear enough. It will be an odd combination derived in part from the Anglo-American Enlightenment. It will also carry one element of that tradition, the liberty of the individual, to an unbalanced extreme. Finally, it will encompass the post-Western ideology of multiculturalism. If other civilizations find such a West to be bizarre and repugnant, one should not be surprised.

Where, then, is the true West today? It will not be found in any

[10] This would be an extension of the view presented by Daniel Bell in *The Cultural Contradictions of Capitalism* (New York: Basic Books, 1976).

[11] Samuel P. Huntington, *The Clash of Civilizations and the Remaking of World Order* (New York: Simon and Schuster, 1997).

[12] Paul Bracken, *Fire in the East: The Rise of Asian Military Power and the Second Nuclear Age* (New York: HarperCollins, 1999).

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particular geographical place, but rather in an eternal struggle between the individual and the community, faith and reason, liberty and law, and the market and society. Given the apparent victory of the individual, reason, liberty, and the market, little remains of these creative tensions in the United States, and therefore little of the West. Moreover, under the influence of the United States, the same is becoming true in Europe. Perhaps ironically, these tensions are now most vigorous in the modernizing countries of East Asia. If so, the cunning of history will have moved the West so far to the west that it has ended up in the Far East.

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America and the West

Triumph without Self-Belief

by Alan Charles Kors

Since the end of the Cold War—a struggle on whose outcome both American liberty and the possible liberty of organized human life on this planet actually depended—the *New York Times* has supported almost every foreign intervention of the international "nanny state."[1] Indeed, those who found it absurd to raise up American and Western defenses against a Soviet enemy armed with nuclear weapons now find it reasonable to create American outposts everywhere, especially where no national interest is involved. Many Western intellectuals doubted, to say the least, that the West had expanded the possibility of a desirable society of individual rights, individual moral responsibility, and limited government, a possibility worth fighting and, if need be, dying for. Still more of those intellectuals doubted that the Cold War placed this Western reality at so great a risk that it made sense to allow the national security state to defend it from its terrible and concrete enemies.

One of the fruits of victory in the Cold War should have been the dismantling of the national security state, a return to noninterventionist foreign policies, and the restoration of a more limited government. The very forces that were not eager to defend the West, however, now would send its children and wealth around the world on missions that belie the very notion of limited government. Another fruit of that victory should have been an intellectual, moral, and above all historical accounting of who was right and wrong in their analyses of the Cold War itself, and why.

Recall, whatever your views of current geopolitical choices, the domestic debate, in the context of the later Cold War, about that great contest.

[1] This article is adapted from a presentation made to the Foreign Policy Research Institute's Study Group on America and the West, Philadelphia, Pa., Nov. 13, 2000.

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On November 2, 1983, the *New York Times* editorialized as follows concerning the Reagan administration's military intervention in Grenada:

> It was psychologically that the Cubans got to us, exposing a deep-down sense of American inadequacy and weakness. Would not the "loss" of even tiny Grenada make the Commies look stronger and again expose democrats as feeble and timid? Would it not prove that a few radicals can snatch a society from under Uncle Sam's nose . . . ? Would not the world conclude that they're the wave of the future? For once, let's show 'em. After all is said and done, the real inspiration and justification for the Grenada invasion lies in those false feelings of impotence—fanned by years of deceptive politicking about American retreats, defeats, and even nuclear inferiority. . . . The President Feelgood who prescribes such heady pills can momentarily get away with all kinds of diagnoses. It has not yet sunk in that the Grenada high will wear off and leave the world essentially unchanged. Indeed the world will be unimpressed with such a fly-swat "victory"—if not, worse, disillusioned about the maturity with which Americans manage their enormous power.

A critical phrase bears repeating: "It has not yet sunk in that the Grenada high will wear off and leave the world essentially unchanged."

Let us examine now a different response. Writing in 1985 about his years in the anticommunist underground and his escape to the West in 1984, Alexander Ushakov described his time as an associate professor of Marxism-Leninism at the Odessa Naval Academy. He wrote of how a group of underground anticommunists at the Odessa Naval Base responded to news of Grenada:

> In the fall of 1983, right after the American troops landed in Grenada, several people gathered in an office in the Soviet Union. They locked the door, put vodka and champagne on the table, laid out sandwiches, had a moment of silence, and then drank a toast to the start of a New Era. The second toast was for Reagan. They were justified in stopping their work for a brief period, because in the fall of 1983, history at last had turned the corner. Since 1917 it had been barreling down to its end, down the rails laid by the efforts of Marx, Lenin, Stalin, Trotsky, and their ilk, but that fall many people in the USSR were celebrating. Until that time Communism had engulfed country after country, and suddenly here it choked on a tiny piece, an island state which was the first in history to change from socialism to capitalism. Many years from now people will say that the decline of Marxism throughout the world began with tiny Grenada as routinely as they say that its triumph began with big Russia. . . . I think that the quick liquidation of the communist regime in Grenada shocked communists and also those who like to call themselves socialists or even liberals, because democracy acted unpredictably, contrary to all expectations. Usually it is supposed to be soft and unable to defend itself, and here it showed an unexpected side of itself. . . . The Grenada incident did away with our pessimism . . . filled us with hope. . . . That's why my friends in the USSR and I are always on the side of such methods against communism as were demonstrated by the Americans in the fall of 1983. Say what you will, the first swallow has come.[2]

[2] Alexander Ushakov, *In the Gunsight of the KGB*, trans. Alexander Cook (New York: Alfred A. Knopf, 1989), p. 225.

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There is something simultaneously moving and pitiable about Ushakov's sense of how history will come to be written: "Many years from now people will say that the decline of Marxism throughout the world began with tiny Grenada as routinely as they say that its triumph began with big Russia." Given the intellectual and academic culture of the West, Grenada will continue to be a footnote of history, and Gorbachev will be the saint who proved how unnecessary the West's will, arsenal, and sacrifices had been.

The Romanticized War on the West

For generations, and to this day, the great defenders of the humane consequences of the allocation of capital by free markets—Ludwig von Mises, Friedrich Hayek, and Milton Friedman, for example—have remained unexplored, marginalized, or dismissed as absurd by most American intellectuals. The lionized intellectuals were and are, in sentimental memory, those who dreamed about and debated how one would make the transition from unproductive and unjust capitalism to the cornucopia of central planning. For a full generation, academic intellectual culture above all generally viewed the West's anticommunist military strength, let alone its willingness to project that strength, as the great obstacle to international justice and peace, and derided the doctrine of peace through strength as the slogan of the demented. For at least a generation, Western intellectual contempt for the West as a civilization, a set of ideals, and the object of hope for the potentials of humanity has been the curriculum of the humanities and "soft" social sciences. Given these ineffably sad phenomena, the seeming triumph of the West (both the collapse of neo-Marxist theory at universities outside the West, and especially the downfall of the Soviet empire) will be understood by Western intellectuals as showing, in the latter case, how absurd Western fears were from the start, and, in both cases, not so much a victory for the West as merely the economic collapse of communists who in various ways betrayed their ideals or failed to temper them with adequate pragmatism or relativism. One must recall, however, the years 1975–76 in the world of the intellectual Left: the joy at American defeat in Indochina; the excitement over Eurocommunism; the anticipation of one, ten, a hundred Vietnams; the contempt for Jean-François Revel's *The Totalitarian Temptation*; the ubiquitous theories of moral equivalence; the thrill of hammers and sickles in Portugal; the justifications of the movement of Cuban troops into those great hopes for mankind, Angola and Mozambique; the loathing of all efforts to preserve Western strategic superiority or even parity.

One must recall, indeed, the early 1980s: the romanticization of the kleptomaniacal and antidemocratic Castroite Sandinistas and the homicidal megalomaniac Mengistu of Ethiopia; the demonization of Reagan's foreign policy; the outrage when Susan Sontag declared the audience of *Reader's*

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Digest better informed than readers of *The Nation* about the history of the USSR; the mockery of the president's description of the Soviet Union as the "evil empire" and of communism as a vision that would end on "the dustbin of history"; and the academic associations that approved politically correct resolutions for a nuclear freeze. The latter included the American Historical Association, which voted in overwhelming numbers to inform the American government and public that, as professional historians, they knew that Reagan's rearmament program and deployment of missiles in Europe would lead to a severe worsening of U.S.-Soviet relations, end the possibilities of peace, and culminate in an exchange of weapons in an ineluctable conflict. All of that will be rewritten, forgotten, indirectly justified, and incorporated into a world view that still portrays the West as empire and the rest of the world as victim.

The initial appeal of communism and romanticized Third World leaders—Kwame Nkrumah, Julius Nyerere, Mao Zedong, Ho Chi Minh, Fidel Castro, Sékou Touré, and Daniel Ortega—who would redefine human well-being and productivity (well, they certainly redefined something) reflected the Western pathology whereby intellectuals delude themselves systematically about the non-West, about that "Other" standing against and apart from the society that does not appreciate those intellectuals' moral and practical authority and status. However, when an enemy arose that truly hated Western intellectuals—namely, fascism—and whose defeat depended upon the West's self-belief, Western intellectuals quickly became masters of judgments of absolute superiority and had no difficulty in defining a contest between good and evil. Cognitive dissonance is an astonishing phenomenon, and in academic circles, it prevents three essential historical truths from being told.

First, the most murderous regime in all of human history, the Bolsheviks in power, has fallen: its agents were guilty of irredeemable crimes against humanity, and its apologists should do penance for the remainder of their lives. Anticommunists within the law were warriors for human freedom; communists and anti-anticommunists, whatever their intentions, were warriors for human misery and slavery. The most that can be said in communism's favor is that it was capable of building, by means of slave labor and terror, a simulacrum of Gary, Indiana, once only, without ongoing maintenance, and minus the good stuff.

Secondly, voluntary exchange among individuals held morally responsible under the rule of law has demonstrably created the means of both prosperity and diverse social options. Such a model has been a precondition of individuation and freedom, whereas regimes of central planning have created poverty, and (as Hayek foresaw) ineluctable developments toward totalitarianism and the worst abuses of power. Dynamic free-market societies, grounded in rights-based individualism, have altered the entire human conception of freedom and dignity for formerly marginalized groups. The entire "socialist experiment," by contrast, ended in stasis, ethnic hatreds, the ab-

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sence of even the minimal preconditions of economic, social, and political renewal, and categorical contempt for both individuation and minority rights.

Thirdly, the willingness to contain communism, to fight its expansion overtly and covertly, to sacrifice wealth and often lives against its heinous efforts at extension—in Europe, Vietnam, Central Asia, Central America, Korea, Laos, Cambodia, and, indeed, Grenada—was, with the struggle against Nazism over a much briefer period, the great gift of American taxpayers and the American people to planet earth. As Britain under Churchill was "the West" in 1940, so was the United States from 1945 to 1989, drawing from its values to stand against what was simultaneously its mutant offspring and its antithesis. In the twentieth century, the West met and survived its greatest trial.

On the whole, however, Western intellectuals do not revel in these triumphs, to say the least. Where is the celebration? Just as important, where is the accounting? On the Left, to have either would be to implicate one's own thought and will in the largest crime and folly in the history of mankind. We have seen myriad documentaries on the collective and individual suffering of the victims of Nazism, but where is the *Shoah*, or the *Night and Fog*, let alone the Nuremberg trials of the postcommunist present? As Solzhenitsyn predicted repeatedly in *The Gulag Archipelago*, the countless victims who froze to death or were maimed in the Arctic death camps would go unremembered; the officers and guards who broke their bodies and often their souls would live out their lives on pensions, unmolested; and those who gave the orders would die peacefully and unpunished. Our documentary makers and moral intellectuals do not let us forget any victim of the Holocaust. We hunt down ninety-year-old guards so that the bones of the dead might have justice, and properly so. The bones of Lenin's and Stalin's and Brezhnev's camps cry out for justice, as do the bones of North Vietnam's exterminations, and those of Pol Pot's millions, and Mao's tens of millions. In those cases, however, the same intellectuals cry out against—what is their phrase?—"witch-hunts," and ask us to let the past be the past. We celebrated the millennium with jubilation; we have not yet celebrated the triumph of the West. Ask American high school or even college students to number Hitler's victims and Columbus's victims, and they will answer, for both, in the tens of millions. Ask them to number Stalin's victims and, if my experience is typical, they will answer in the thousands. Such is their education, even now.

The West survived its greatest trial, but where is the celebration?

The absence of celebration, of teaching the lessons learned, and of demands for accountability is perhaps easily understood on the Left. Convinced that the West above all has been the source of artificial relationships of dominance and subservience, the commodification of human life, and ecocide, leftist intellectuals have little interest in objectively analyzing the manifest data about societies of voluntary exchange, or in coming to terms

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with the slowly and newly released data about the conditions of life and death under the Bolsheviks and their heirs, or in confirming or refuting various theories on the outcome of the Cold War (let alone, given their contemporary concerns, in analyzing ecological or gender politics under communist or Third World regimes). Less obvious, but equally striking in some ways, has been the absence of celebration on so much of the intellectual Right, because it is not at all certain something worth calling Western civilization did in fact survive the twentieth century.

The Many Declines of the West

The view that Western civilization has ended has had various incarnations, with the most sensitive souls of many epochs imagining themselves to be the last bearers of the Western torch. One needs perspective in such things. The question, in many ways, was more compelling when Athens fell; when Christian Rome was sacked by barbarians; when the Norsemen ravaged settled Europe; when feudal warlords reigned unchecked; when, at the end of the first millennium, all signs indicated a divine disfavor that seemed to presage the end of the world; when the Black Death of the fourteenth century left soul and society without mooring. Indeed, imagine the question posed to Catholic and Protestant apologists of the sixteenth century, viewing each other's religion as the Antichrist and seeing Western Christendom rent first in two and then into a multitude of competing sects. How fragile, if not spent, the West seemed during the religious civil wars culminating in the devastation of the Thirty Years' War. There were lamentations in profusion during the Terror of the French Revolution and the decades of revolutionary and Napoleonic wars that followed, and again, with gravitas, there were the inward and outward sermons on the West uttered on the slaughterfields of World War I, and at Auschwitz, and in the gulag.

The West is resilient beyond all seeming possibility, and something gives it that resiliency. The West has survived its barbarians without and—more dreadful yet—its own barbaric offspring within. If it could outlast Attila the Hun and the armed ideologies of the Third Reich and Stalin's Russia, it surely can outlast Jacques Derrida, Stanley Fish, and Michel Foucault. At each moment of seeming dissolution, there were diverse profound voices that compellingly analyzed the depths to which we had fallen; the almost infinite remove we were from any light; the loss of something that we never could recover—and yet the West survived. There was something about its mind and spirit.

Greece fell, but its philosophers conquered the minds of the Romans who conquered its soil, and its conceptual categories still organize our understanding of reality and knowledge. Rome fell, but its language became the lingua franca and thus the definitional universe of Christendom, while its

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history became the great drama by which to understand the glory and the baseness of political life. The barbarian tribes believed that they had conquered Rome, but Rome in greater part had conquered them. Their descendants called their realm the Holy Roman Empire, terms that were not, until much later, bereft of meaning. When the Norsemen came, learning fled to monasteries, and that learning and even those monasteries eventually conquered the Norse, whose Norman descendants in Britain founded universities that live to this day. It is the last thing that any frightened monk taking desperate shelter in the eighth century ever could have imagined.

The Thirty Years' War seemed to sensitive and moral observers the end of civilization, but its battles are mostly forgotten, and what is it that remains of the seventeenth century? Bacon, Galileo, Descartes, Hobbes, Pascal, Bayle, Boyle, Fenelon, Harvey, Huyghens, Newton, Locke. Louis XIV is a tourist attraction at Versailles; his wars changed precious little. The conceptual revolution of the West, however, changed a great deal in that same century. It arose from the very dynamics of the West's models of learning—disputation, accounting for appearances, refining inductive and deductive logic—now linked to expanded education and printing. What happened in the minds of the graduates of Europe's Christian universities changed the human relationship to nature, to knowledge, to the rights of inquiry and conscience, and to political and economic life. The Christian West kept the traditions of the Greek mind alive, and thus, through its own debates, it overthrew the presumptive authority of the past in matters of natural knowledge and its application. The West believed that we were not cast fatally adrift in this world, but that we could learn new things and that we could alter the sorry scheme of experience closer to the heart's desire for knowledge, order, and well-being. It was not Faust, who dreamed of occult knowledge that would make him a demigod, but Bacon, who commanded that knowledge proceed from humility and charity, who became the prophet of the great scientific revolution of the West. Louis XIV is a statue; Bacon is a living force wherever the West touches minds.

The Assault on a West in Ascendance

It is odd that conservatives question whether Western civilization has survived the twentieth century at the very time that so many academics on the cultural Left define that civilization as a singular hegemon that stands astride the globe. What, after all, is the "multiculturalism" so ardently but desperately proclaimed in higher education but the belief that there is a hegemonic Western civilization that, unchallenged, frames all issues and provides almost all modes of understanding? For the so-called multiculturalists, the question is not whether what they see without complexity as Western civilization will survive into the twenty-first century, but whether anything *other* than Western civilization will so survive.

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What do they mean by the hegemony of the West? It is not physical colonialism and imperialism that concern them anymore. No, they see as far more ominous what they term the cultural colonialism and imperialism of the West, a triumphant colonialism of the mind by a civilization that believes in universal categories that transcend itself. The West believes its values to be accessible to all human souls. The West believes its science to be a method by which all human beings everywhere can rise above ignorance, superstition, helplessness, and prejudice. The West believes that there are rights and obligations that belong to humanity *qua* humanity, beyond the power of governments and political wills. Conservatives despair at the disappearance of the West; the cultural Left despairs at its transcendent success.

There are profound ironies about the multiculturalists, so many of which testify to the dynamism and inescapable appeal of precisely that Western civilization to whose dismemberment they are in theory committed. In theory, they are all moral relativists, but in reality, they tend to sound like Biblical prophets, calling power to categorical moral duty, or like traditional Western social critics who in this case have not thought out either their facts or their logic terribly well.

Their self-contradictions betray their inability to escape from the civilization they claim so to despise. In their epistemology, they are the third-rate heirs of the Greek skeptics and historians—without, to their shame, even knowing that fact. Their assaults upon dogmatism, at their best, never rise above the level of the subtleties and paradoxes handed down to us by Sextus Empiricus, chronicler and compiler of the Greek skeptical tradition. The works of Sextus Empiricus were best sellers during the sixteenth century and widely translated in the seventeenth. His writings intellectually delighted European men of letters, including clerics, many of whom embraced him as a tonic antidote to the pride of human reason. Many philosophers modified their views of the claims of metaphysics in the face of such skepticism. The West has always been concerned with the limits of reason and knowledge, the role of received prejudice and custom, the appropriateness or arrogance of its metaphysical conclusions, and the phenomenon of paradox. Indeed, the West has authored the formal exposition and mental fireworks of such concerns. The heirs of the least subtle forms of that tradition do not even know their parentage.

It was the Greeks and their heirs—not any postmodern critics of postcolonialism—who obsessed so creatively about the role of King Nomos, of received opinion, of education and prejudgment, and of the seeming relativity of values, beliefs, and taste to time, place, and accident of birth. Montesquieu, in the eighteenth century, was profoundly struck by the malleability of the human condition and by the relativity of what might seem the most foundational aspects of human existence to geography, time, and historical vicissitudes. He also saw, however, what our current social constructionists do not see: that as undeniable as that malleability may be, there

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is a natural reality that underlies, conditions, and sets limits to it, and that the relationship of human malleability and natural reality is a proper subject of deep objective study. For Montesquieu, certain forms of human association may persist for a wide variety of reasons—including terror and despotism—but there is a real human nature and a set of real human needs, and these will out toward their true ends because there is an ultimate reality in which our human forms have consequences.

Postmodern canon, despite its proclaimed alienation from Western thought and values, derives not from any non-Western culture, but from the internal debates of the West and the products of its educational vitality: from Marcuse, Gramsci, Marx, Hegel, and Rousseau—from, in short, the debates that the West has always had with itself. Postmodernists, when the issue is involuntary female circumcision, for example, seek asylum in America for the victims of such customary rites, citing notions of legal equality and of universal human dignity, not their alleged commitments to the relativity of all human values and cultures. They seek tenure at universities with medieval traditions of what the West called "philosophical liberty." In the first and in the final analysis, so-called multiculturalists are simply Western radicals, in the Western radical tradition, with the most imperial, dogmatic, and absolutist aspirations of all.

Further, they are the beneficiaries of the Western commitment to intellectual debate instead of coerced intellectual conformity in the Republic of Letters. They are the beneficiaries of the Western tradition, from Aristotle's insistence that we overcome all possible arguments against our beliefs, to the medieval insistence upon *sed contra* objections in formal disputations, to Mill's insistence that beliefs untested by free criticism are no longer truly alive. The radical dissenters are thus the unwitting and ungrateful beneficiaries of the West's own philosophical pluralism, and, indeed, of its constant extension.

The current barbarians within also remind us that the West is, again and again, the author of its own worst follies and abuses, compared to most of which the postmodernists pale into virtual insignificance. We are the authors of our own religious wars and persecutions, our own enthusiastical superstitions, our own conquests of lands and peoples over which and whom we had no rights, our own ultimate nightmares of National or Leninist Socialism, which drowned our world in blood unimaginable in any century but the twentieth, and which truly threatened to bring this civilization to an awful end. We have had the will, however, to learn from depravity and from reality, and to bear ultimate witness to the higher sides of our being. What civilization has ever engaged in more searing analysis and soul searching of its own sins? Having defeated the National Socialists and the communists within, the bearers of the best of this civilization have reason for a moment of optimistic pride.

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The Leaven of Realism

What often denies us both optimism and pride, however, is the very stringency of our self-judgment untempered by historical realism. It is a dangerous intellectual error to imagine that goodness, wisdom, order, justice, peace, freedom, legal equality, mutual forbearance, and kindness are the "default mode" in human affairs, and that it is malice, folly, disorder, war, coercion, legal inequality, murderous intolerance, and cruelty that stand in need of historical explanation. The West, in theory, always has understood that man has a lower side to which he is drawn, that man is a wolf to man, and that we are governed more by prejudice and passion than by the rational capacity of our minds.

If that is so, however, then we err grievously in our assumptions of what it is that requires particular explanation in the world. We understand the defaults; what should astonish us is the ability to change them. Rousseau and the postmodernists have it all backward in this domain. It is not aversion to difference, for example, that requires historical explanation, for aversion to difference is the human condition; rather, it is the West's partial but breathtaking ability to overcome tribalism and exclusion that demands explanation, above all in the singular American accomplishment. Anti-Semitism is not surprising; the opening of Christian America to Jews is what should amaze. Racial aversion and injustice are not sources of wonderment; the Fourteenth Amendment and its gradual implementation are what should astonish. It is not the abuse of power that requires explanation—that is the human condition—but the Western rule of law. Similarly, it is not coerced religious conformity that should leave us groping for understanding, but the forging of values and institutions of religious toleration. It is not slavery that requires explanation, for slavery is one of the most universal of all human institutions; rather, it is the values and agency by which the West identified slavery as an evil and, astonishment of astonishments, abolished it. Finally, it is not relative pockets of poverty in the West that should occasion our wonder, because we used to term almost infinitely worse absolute levels of poverty simply "the human condition." Instead, what is extraordinary are the values, institutions, knowledge, risk, ethics, and liberties that created such prosperity that we even *notice* that poverty at all, yet alone believe that it is eradicable. We are surprised, in a failure of intellectual analysis, by all of the wrong things, and we lose our wonder at the accomplishments and aspirations of our civilization as a tragic result. Depravity should never startle us; rather, the identification and naming of depravity should amaze us, and the attempt, frequently successful, to contain it should fill us with awe. Indeed, that attempt has been so successful in the West, relative to the human condition, that the other world fantasized by the multiculturalists seeks entrance, again and again, at our doors, and the multiculturalists are not riding leaky boats to the otherness of the Third World. Most obviously, the multiculturalists' ostensible rejection

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of the West's philosophical realism—their vaunted "social constructionism"—does not stay with them past their medical doctor's door.

In the final analysis, it is that last trait, the West's commitment to a *logically ordered philosophical realism*, that undergirds its ways of thinking, valuing, and, indeed, worshiping. Such philosophical realism was defended by Augustine, Aquinas, and almost all fathers and doctors of the Church. While various extreme epistemological and ontological skepticisms and radical irrationalisms have flourished, sometimes with brilliance and profundity in our history, Western civilization has always had at its core a belief that there is a reality independent of our wishes for and ideas of it; that natural knowledge of that reality is possible and indeed indispensable to human dignity; that such knowledge must be acquired through a discipline of the will and mind; and that central to that discipline is a compact with reason. The West has willed, in theory at least, to reduce the chaos of the world to natural coherence by the powers of the mind.

Indeed, the belief that truth is independent of a particular time and place is precisely what has led the West to borrow so much from other cultures, such that, ironically, whole schools of tendentious thought decry Western "thefts," as if the recognition of compelling example and argument in others were a weakness, not a strength. The West recognized and adopted Eastern systems of numbers superior to that of the Romans; it took the Aristotelianism of the High Middle Ages from the Islamic scholars who had preserved and interpreted it in manners superior to the schools of the West; it took music, art, forms of expression, and new foods from around the earth that, in large part out of restless curiosity about realities beyond its own, it had explored. The West has always renewed and revitalized itself by means of recognizing superior ways to its own. It did so, however, with a commitment to being a rational culture.

The Greek principle of self-contradiction as the touchstone of error, and thus its avoidance as a touchstone of truth, is the formal expression of a commitment to reason that the Christian West always understood to separate us from beasts and madmen. To live with self-contradiction was not merely to fail an introduction to philosophy, it was to be less than human. Induction from experience always had a logic, and the exploration of that logic was one of the great and ultimately triumphant pursuits of the Western mind. To live with error was to deny oneself the fruits of human light. Again, the core philosophical assumption of Western civilization is that there is a reality that exists independently of our will and wish, and that this reality can be known by human inquiry and reason. There were many radical ruptures in the history of certain disciplines in the West; there were no radical ruptures with the Western compact with reality and reason. It is that compact that led to a civilization of self-scrutiny and honest borrowings; to a civilization in which self-criticism gave rise to a critical scholarship that could question and either strengthen or repair the West's received beliefs themselves; to a civilization in

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which the mind could appeal, with ultimate success, against the irrational to the rational; to a way of understanding that led to the sciences that have changed both the entire human relationship to nature and our sense of human possibilities, always tempered by our knowledge of human nature.

The fruits of that civilization have been an unprecedented ability to modify the remediable causes of human suffering, to give great agency to utility and charity alike; to give to each individual a degree of choice and freedom unparalleled in all of human history; to offer a means of overcoming the station in life to which one was born by the effort of one's labor, mind, and will. A failure to understand and to teach that accomplishment would be its very betrayal.

To the extent that Western civilization survives, then, the hope of the world survives to eradicate unnecessary suffering; to speak a language of human dignity, responsibility, and rights linked to a common reality; to minimize the depredations of the irrational, the unexamined, the merely prejudicial in our lives; to understand the world in which we find ourselves, and, moved by interest and charity, to apply that knowledge for good.

The contest, then, is between the realists and the antirealists, and the triumph of the West ultimately depends on its outcome. The failure to assess the stakes of the struggle between the West and its communist adversary always came from either a pathological self-hatred of one's own world or, at the least, from a gross undervaluation of what the West truly represented in the history of mankind. The West has altered the human relationship to nature from one of fatalistic helplessness to one of hopeful mastery. It has made possible a human life in which biological atavism might be replaced by cultural value, the rule of law, individuation, and growing tolerance. It also created an intellectual class irrationally devoted to an adversarial stance. That adversarial view of the West, in the past generation at least, had become a neo-Gramscian and thus neo-Marxist one in which the West was seen as an unparalleled source of the arbitrary assignment of restrictive and life-stultifying roles. The enemies of the West—for some, in practice; for others, increasingly in the ideal—represented a fictive make-believe that supposedly cast grave doubt upon the West's claim of enhancing freedom, dignity, and opportunity. With the triumph of the West in reality, and with the celebration of Marxism and the Third World shown more and more to have been truly delusional, the adversarial intellectual class appears to be retreating into ideologies and philosophies that deny the very concept of reality itself. One sees this in the growing strength in the humanities and social sciences of critical theories that view all representations of the world as mere text and fiction.

A failure to teach the West's accomplishment would be its very betrayal.

When the world of fact can be twisted to support this or that side of delusion (as in astrology or parapsychology), pathology tries to appropriate what it can of the empirical. When the world of fact manifestly vitiates the

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very foundations of pathological delusion, then it is the claim of facticity or reality per se that must be denied. This is what we now may expect: the world having spoken, the intellectual class, the left academic wing of it above all, may appropriate a little postcommunist chaos to show how merely relative a moral good the defeat of Stalin's heirs has been. If it does so, however, it will assail the notion of reality itself. In Orwell's *1984*, it was the mark of realistic, totalitarian power to make its subjects say that all truth was not objective but political—"a social construction," as intellectuals would say now—and that, in the specific case, 2 + 2 = 5. By 2004, making students in the humanities and social sciences grant the equivalent of 2 + 2 = 5 will be the goal of adversarial culture. They will urge that all logical—and, one should add, inferential—inductive truths from experience are arbitrary, mere social constructions.

The West Has Indeed Survived—So Far

The ramifications of that effort will dominate the central debates of the humanities in the generation to come. Until there is a celebration and moral accounting of the historical reality of "The Triumph of the West," that "triumph" will be ephemeral indeed. Academic culture has replaced the simplistic model that all culture was functional, a model that indeed could not account for massive discontents or revolutionary change, let alone for moral categories, by the yet more astonishing and absurd model that virtually all culture is dysfunctional. Whole disciplines now teach that propositions are to be judged by their therapeutic value rather than by their inductive link to evidence until, in the final analysis, feeling good about saying something determines the truth-value of what is said.

Understanding human weakness, however, the West has always believed that it is precisely when we want to believe something self-gratifying that we must erect barriers of experiment, rigor, and analysis against our self-indulgence and our propensity for self-serving error. The human ability to learn from experience and nature, so slighted in current humanistic theory, is not merely an object of cultural transmission, let alone of social control, but an evolutionary triumph of the species, indeed, a triumph on which our future ultimately depends. There is nothing more desperate than helplessness, and there is no more inveterate cause of helplessness than the inability to affect and mitigate the traumas of our lives. If the role of both acquired knowledge and the transmission and emendation of the means of acquiring knowledge is only a "Western" concern, then it is a Western concern upon which human fate depends.

In the current academic climate of indoctrination, tendentiousness, and fantasy, the independence of critical intellect and the willingness to learn open-mindedly from experience of a reality independent of the human will

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are the greatest hopes of our civilization. Has Western civilization survived? That is, has a human relationship to the world based upon the assumption of a knowable reality, reason, and a transcendent value of human dignity and responsibility survived? Has a will to know oneself and the world objectively survived? Has a recognition of human depravity and the need to limit the power of men over men survived? I do not think that free men and women will abandon that hard-won shelter from chaos, ignorance, parochial tribalism, irrationalism, and, ultimately, helplessness.

Has Western civilization survived, its principle of reality justified and intact? Yes, indeed, though it requires constant defense. The demand for perfection is antinomian, illogical, and empirically absurd. The triumph of the West is flawed but real. While everyone else around you weeps, recall Alexander Ushakov, and celebrate the fall of the Soviet threat as he celebrated the fall of Grenada. Then recall how everything depends on realism in our understanding, and rejoin the intellectual struggle.

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America and the West

"Liberty under Law" under Siege

by Stephen B. Presser

Abe Chayes once taught a course at Harvard Law School that was essentially a series of anecdotes about how the State Department used to manipulate domestic and international legal rules to accomplish President John F. Kennedy's political goals.[1] It was my first hint that all was not what it seemed in international law. More recently, the state of American law generally, the NATO intervention in Kosovo, and some current trends in Britain and the European Union have led me to the unhappy conclusion that a gradual but insidious change in legal philosophy now imperils national and international law, much as a disease afflicts vital organs. The ailment in question is legal realism, the doctrine that the law is not a brooding omnipresence, an eternally valid set of postulates revealing the good life, but instead just a tool to be used to achieve particular social or political ends. This is the view, in short, that what a judge had for breakfast might be more important than any legal text to the outcome of a case.

The drift toward legal realism began in the late nineteenth century and accelerated in the 1920s and 1930s until it took over the law schools in the 1950s and 1960s. A whole generation of lawyers in the United States—mine—was horribly served by many of its teachers, perhaps unintentionally. Plato wrote that he would ban Homer from his ideal republic because he had made fun of the gods, but the wise philosopher was nowhere to be found when we needed him at Harvard. Those of us who matriculated in 1968 received a list of books to read over the summer before law school, and at the top of the list was Jerome Frank's *Law and the Modern Mind*, the bible of

[1] This article is adapted from a presentation made to the Foreign Policy Research Institute's Study Group on America and the West, Philadelphia, Pa., Dec. 4, 2000.

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legal realism, a book that explained the quest for certainty in the law as a fruitless search for an ideal father.[2]

The experience was no doubt similar at other law schools at the time, and hardly surprising after twenty-five years of the Warren and Burger courts' making up constitutional law out of whole cloth. In the good old days—that is, the late eighteenth century—it was understood that law was a discipline for gentlemen, and that cultured lawyers did not press a point too hard. It was also understood that human beings were inherently fallible and that perfection in any endeavor was impossible. Legal redress was not generally available for every bit of damage done to persons or groups, since harm or disaster was often attributed to acts of God or capricious fortune, for which there was no temporal remedy. It was also understood that there could be no order in society without law, but unlike now it was further understood that there could be no law without morality, and no morality without religion. This generally meant that the best lawyers avoided savagery and tended to think of the legal profession as an altruistic endeavor, a calling much like the ministry.

Nowadays, all that has changed. The bar is dominated by the servants of special interests, principally trial lawyers, whose legal theory, generally speaking, is that any error that causes harm ought to be compensable. Worse, the burgeoning plaintiff's bar's legal theory assumes that human perfection is not only possible, but required of all those who would avoid costly lawsuits.

It used to be a maxim that equity does not stoop to pick up pins, but now the search for unattainable perfection, particularly in rough and tumble matters such as a closely contested election, drives endless litigation to repair or compensate for errors for which no fair remedy can ever be found. You can outlaw fraud, but not mistakes—in voting or any other endeavor. Laws exist because, as James Madison reminded us, men are not angels, and a rule of law tries to approximate and prescribe proper conduct. The law can provide certainty, but not necessarily justice. Legal realism, however, is skeptical even about certainty in the law, preferring instead to make things up as it goes along in pursuit of a particular policy goal or a client's interests. Nor does it put much stock in the separation of powers, or worry about changing the rules in mid-game, as various attempts at selective vote recounts in Florida amply demonstrated. Finally, legal realism will happily use whatever power is at hand to accomplish the desired end. Thus, in the past few decades, the original American constitutional scheme of checks and balances, separation of powers, and dual state and federal sovereignty has substantially eroded.

[2] Jerome Frank, *Law and the Modern Mind* (New York: Brentano's, 1930). For further reading on Jerome Frank and legal realism, see Stephen B. Presser and Jamil S. Zainaldin, *Law and Jurisprudence in American History: Cases and Materials*, 4th ed. (St. Paul, Minn.: West Group, 2000), and sources cited therein.

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Common Law and National Sovereignty

But what does all this have to do with international law? An answer emerges from an examination of the differences between the current conceptions of human rights in America, Britain, and continental Europe, and the conception of "human rights," if we can call it that, which was current in late-eighteenth-century America and supposedly came over from England. When teaching American legal and constitutional history to undergraduates and law students, a useful starting point is the confrontation between Sir Edward Coke and James I over the common law's restrictions on the king's prerogative. The lesson from that episode is that a fundamental component of any conception of human rights is the rule of law, that is, the restraint of arbitrary power. But an important part of the struggle between Coke and James I, and later between Parliament and James II, was the manner in which the rule of law was to be secured. Both Coke and the Stuarts thought they were implementing the rule of law as dictated by the law of nature, which was thought to flow from God himself. The difference was that Coke thought he could find the higher law in the decisions of the common law, and the Stuarts believed that God delivered rules directly to them, his viceroys on earth. Moreover, Coke's life and struggles and the Glorious Revolution taught Americans that in rejecting the Stuart conception of divine right of kings England rejected the continental conceptions of both centralized royal rule and the binding nature of the dictates of Rome. Accordingly, the English common law, prodded by Coke, embarked on a unique national development.[3]

As understood by eighteenth-century Americans, a fundamental part of the English conceptions of the rule of law, the common law, and natural law was fierce nationalism. It is commonplace now to view the American Revolution as Englishmen fighting Englishmen for the rights of Englishmen. American notions of human rights (the English Renaissance ideas that Coke was playing with) were, after all, particularly English in character. For Coke, for those who deposed James II in 1688, and for those who fought in the American Revolution and later shaped the U.S. Constitution, the idea of national sovereignty was itself dictated by the law of nature. Jefferson's Declaration of Independence, like John Locke's second treatise on government, talks about the right of a people to throw off a tyrannical government bent on interfering with inalienable rights, and the right to establish a government to preserve those rights. *People* here means *nation*, and perhaps this right of national sovereignty, the right of a people to have a national

[3] Regarding the development of a uniquely national English common law and constitution, see G. R. Elton, *The Tudor Constitution: Documents and Commentary*, 2nd ed. (Cambridge: Cambridge University Press, 1982); and J. P. Kenyon, *The Stuart Constitution, 1603–1688: Documents and Commentary*, 2nd ed. (Cambridge: Cambridge University Press, 1986). For American adoption of Coke's views, see Presser and Zainaldin, *Law and Jurisprudence*, pp. 66–69.

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government that preserves their other rights, is the most fundamental human right of all.

Kosovo and International Law

In stark contrast, much of the modern conception of human rights rests on universalist notions that conflict with the idea of a particular people's establishment of national sovereignty. These new ideas of human rights seem connected not with eighteenth-century notions of the law of nature and a stable legal order, but rather with the jurisprudence of legal realism, a search for human perfection, and the notion of the malleability of law.[4] This was nowhere more apparent than in NATO's recent intervention in Yugoslavia.

The bombing of the Serbian forces of Slobodan Milosevic marked the first offensive action undertaken by NATO and the first time that allied armed forces were unleashed against a sovereign nation without either a formal declaration of war or authorization by the United Nations Security Council. The American public, as if mesmerized by the widespread destruction, offered neither strong opposition nor ringing support. Because no American lives were lost in battle and no ground troops were committed to the fighting, the sort of overwhelming public questioning of war aims that divided the nation in the 1960s was absent this time.

But whatever the correctness of the American intervention in Vietnam, the intervention in the Balkans was very different and seems to be part of a new, post-Vietnam set of doctrines of international law that lack clearly defined limits and can be used to justify the use of brute force and human carnage in ways never before seen. We may be witnessing the opening moves in the forging of an international legal regime in which national sovereignty is fundamentally impaired and in which the possessors of superior military force can dictate the basic terms of domestic life to other nations without even the formalities of victory in conventional warfare. In the Persian Gulf, Vietnam, Korea, and World War II, the United States justified its participation in armed struggle on the basis of an attack on itself or its allies by aggressor nations. Iraq had attacked Kuwait, North Vietnam was undermining South Vietnam, North Korea was threatening South Korea, and Germany and Japan were bent on conquering Europe and the Pacific.

The Clinton administration and other advocates of the NATO intervention, however, explained that the bombing of Yugoslavian targets (both near Belgrade and in the civil war–torn province of Kosovo) was necessary

[4] For the connection of emerging notions of human rights with a jurisprudence of legal realism, see Stephen B. Presser, "The Living Constitution and the Death of Sovereignty: American Constitutional Law Goes International," *Chronicles: A Magazine of American Culture*, July 1999, pp. 16–18, an earlier version of the analysis expressed here.

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because Milosevic and his Serbian armed forces had violated the human rights of the ethnic Albanians who make up the majority of the population of Kosovo. They argued further that Milosevic was bent on following the same policy of "ethnic cleansing" that Serbs had undertaken in other parts of what used to be Yugoslavia in pursuit of a "greater Serbia." The critics of Milosevic generally stopped just short of accusing him of genocide, but claimed that his forces perpetrated massacres of innocent ethnic Albanian civilians in Kosovo. Milosevic was, by their lights, a dictator cast in the same mold as Saddam Hussein and Adolf Hitler.

Many press accounts, however, cast grave doubt on the truth of at least some claims of massacres, and investigations by NATO and other international organizations were not able to substantiate prior claims that the Serbs had followed a policy of genocide. Reports also surfaced suggesting that the Kosovo Liberation Army, the ethnic Albanian insurgent force that was seeking independence for Kosovo, engaged in ethnic cleansing of its own against the Serbian minority in Kosovo. As has often been the case in the Balkans, none of the belligerents played by Marquis of Queensberry rules. Perhaps it was not for nothing that Otto von Bismarck declared that the Balkans were not worth the bones of a single Pomeranian grenadier.

The novel legal thinking behind the Kosovo intervention was alarming.

Whatever the pretexts, the bombing would presumably have been unnecessary if Milosevic had acceded to the proposed Rambouillet accords, which would have required Serbia to grant some "autonomy" to the Kosovars without actually ceding sovereignty over the province. The bombing initially failed to achieve its putative goal—to get Milosevic back to the bargaining table—because as soon as it started, the Serbian leader's support among his own people soared, at least temporarily. Moreover, far from losing control over Kosovo, the emboldened Milosevic actually appeared to be solidifying his military position there as ethnic Albanians fled the province in droves. But quite apart from the question of the success of the NATO operation (and it is a serious question indeed), the most alarming aspect of the strategy was the novel legal thinking behind it.

Based on the text of the Rambouillet accords, the real reason for bombing Serbian forces was to compel Belgrade to cede autonomy if not territory to a minority ethnic group. But inasmuch as NATO intervened against a sovereign nation acting against its own citizens within its recognized borders, the action raises troubling questions as to what message it might send to ethnic Kurds in Turkey or ethnic Turks in Germany—let alone African Americans, Hispanics, Poles, Italians, Irish, and other ethnic and racial minorities in the United States. Is there any principle in the United Nations Charter or in international legal norms that would authorize U.S. action in the Balkans? What, if any, are the limits of this new doctrine of humanitarian intervention, and what kind of jurisprudence animates it?

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The United Nations and International Law

The preamble to the U.N. Charter states, among other things, "We the People of the United Nations . . . reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small," and seek "to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest."

Article 1 of the charter provides that the purposes of the United Nations are "[t]o maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace." But Article 2, Section 4, states, "All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state." Article 2, Section 7, declares that "[n]othing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state." However, it also declares that "this principle [of nonintervention in matters of domestic jurisdiction] shall not prejudice the application of enforcement measures" under Chapter 7.

Chapter 7, Article 39, states that the Security Council "shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security." Article 41 covers matters not involving use of armed force, but Article 42 states that "[s]hould the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations."

Chapter 8 of the U.N. Charter provides for enforcement actions to be taken by "regional arrangements or agencies," such as NATO. Article 53, however, explicitly indicates that "no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council. . . ."

The charter's aim to secure both the protection of "fundamental human rights" and the "equal rights" of "nations large and small" leads to some obscurity here. It clearly undertakes to protect the territorial integrity and sovereignty of individual nations, and seems to rule out interference by the United Nations or NATO in a nation's domestic affairs unless the Security Council expressly authorizes intervention in response to a threat to "interna-

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tional peace and security." At the time NATO bombed, the Security Council had authorized no armed intervention in Kosovo.

Wholly outside the U.N. Charter, however, a series of international legal doctrines have been developing for many years that do authorize interference by one state in the affairs of another. One instance of permitted intervention is to protect citizens of one's own country who are within another's borders. There have also been several armed interventions by nations purporting to protect the rights of minorities in particular or human rights in general, whether or not the individuals to be protected were citizens of the intervening nations. A third type of intervention has occurred, usually under U.N. auspices, in the cases of "failed states" deemed incapable of fulfilling their responsibility to protect human rights. Finally, there is even support among scholars and the United Nations for a fourth type of intervention to prevent human rights violations that have not yet occurred. For these theorists, of course, national sovereignty counts for very little, if anything.[5]

The authoritative *Restatement of Foreign Relations Law*, sponsored by the American Law Institute, America's most prestigious organization of judges, lawyers, and legal academics, sums all this up as follows:

> Whether a state may intervene with military force in the territory of another state without its consent, not to rescue the victims but to prevent or terminate human rights violations, is not agreed or authoritatively determined. Such intervention might be acceptable if taken pursuant to resolution of a United Nations body or of a regional organization such as the Organization of American States.[6]

The best that can be said about all of this jurisprudence is that there is no clear justification in international law for NATO's actions in the Balkans; the worst, that it clearly violated the U.N. Charter. There was, however, a *domestic* precedent of a sort for the legal arguments supporting American intervention, thus marking the migration of liberal constitutional law—the theory of a "living Constitution"—into the international sphere.

Legal Realism and International Law

The theory of a "living Constitution" is a part of the dominant jurisprudence of legal realism. Thus, for example, beginning with the Franklin D.

[5] For summaries of the various arguments for human rights intervention, with citations to the authorities and particular emphasis on the law review literature, see David M. Kresock, "'Ethnic Cleansing' in the Balkans: The Legal Foundations of Foreign Intervention," *Cornell International Law Journal*, vol. 27 (1994), pp. 203–39; Henry J. Richardson III, "'Failed States,' Self-Determination, and Preventative Diplomacy: Colonialist Nostalgia and Democratic Expectations," *Temple International and Comparative Law Journal*, vol. 10 (1996), pp. 1–78; and Michael Stopford, "Locating the Balance: The United Nations and the New World Disorder," *Virginia Journal of International Law*, vol. 34 (1994), pp. 685–99.

[6] *Restatement (Third) of the Foreign Relations Law of the United States* (Philadelphia, Pa.: American Law Institute, 1987), p. 703, cmt. e.

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Roosevelt administration and its academic advisers, the U.S. Constitution's interstate commerce clause was read so broadly as to allow the federal government to intrude into virtually any matter of state law, on the theory that what happened inside the states would eventually affect other states and the nation at large.[7]

The Clinton administration, which was so committed to legal realism that it might best be described as "postmodernist," used the New Dealers' broad construction of the interstate commerce clause argument to try to support initiatives as diverse as the federal Gun-Free School Zones Act, which sought to forbid firearms in or near all the nation's schools, and the Violence Against Women Act, which sought to expand further the intervention of federal authorities in state prosecution of crime. The Clinton administration's claim that the potential impact of events in Serbia on NATO member states justified the alliance's offensive actions were cut from the same cloth. Moreover, the ostensible argument for bypassing the Security Council prior to bombing Belgrade, namely, that the Security Council's earlier expression of concern implicitly authorized armed intervention, could not obscure the real difficulty: Russia and China would have vetoed any attempt to gain authorization from the Security Council.

The idea that one can proceed from "implications" of Security Council statements and remain consistent with the U.N. Charter is very like the U.S. Supreme Court's argument regarding the unenumerated "right of privacy," which is said to flow from "penumbras and emanations" of various items in the Bill of Rights. Thus, in 1973, the heyday of expansive interpretation of constitutional law, the Court, in *Roe v. Wade*, expanded the right of privacy into a prohibition against states' forbidding first-term abortions, and so the "right" to secure an abortion became a part of the Constitution. In the last few decades, the Court has recognized so many such "rights" that it has evolved a "balancing test," which gives it complete discretion not only to create new rights, but also to limit others in the service of some purported constitutional goal. Some scholars, writing in American law reviews (the traditional testing ground for radical legal theories), have suggested a similar balancing test for international law, according to which the United Nations, or perhaps the International Court of Justice, or now NATO, would balance the charter's guarantees of territorial integrity, nonintervention, and state sovereignty against the newly minted "fundamental human rights" guarantees to each

[7] On the beginnings and evolution of the concept of a "living Constitution," see generally Stephen B. Presser, *Recapturing the Constitution: Race, Religion, and Abortion Reconsidered* (Washington, D.C.: Regnery Publishing Co., 1994), pp. 19–20, 143–99, and sources cited therein.

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individual, and allow the latter to prevail over the former.[8] This is precisely what seems to be going on now.

The effect of all of this is that one can no longer rely on the "plain meaning" of the documents of domestic or international law. For some time, for example, this was the case in the American civil rights laws, which clearly forbid all discrimination on the basis of race, but were read by federal agencies and many federal courts to *require* discrimination on the basis of race in order to favor the victims of prior discrimination. This led to the undermining of local educational efforts and to countless federal policies seeking racial balance in school and college admissions, employment, and voting. The Supreme Court and some states have recently repudiated much of this "affirmative action." Ironically, the Supreme Court's express justification for doing so was that it was tending toward "balkanization" of the American polity.[9] Having used a twisted version of domestic constitutional law to "balkanize" America, constitutional jurisprudence is now being turned on the Balkans themselves.

Human Rights and National Sovereignty

As a precedent, it is not at all clear that the allied intervention in the Balkans will have any long-term effect, but if one can learn anything from American constitutional law of the last generation it is that even the most egregious precedents are rarely overruled, and newly minted rights quickly generate others. This may well be true in the case of human rights on an international scale. The intervention in Kosovo has been justified to protect the rights of the ethnic Albanians to live in their home province, but one can imagine future "preventive interventions" justified on the basis of the quality of life or the extent to which those broad "fundamental human rights" are guaranteed. Much of the rhetoric employed against Milosevic turned on his status as a dictator, and several writers in the law reviews have urged that a basic component of "fundamental human rights" is popular sovereignty secured through democratic institutions. Some human rights now seem fairly

[8] For typical examples of the advocacy of such a balancing test, see Richardson, "'Failed States'"; J. Oloka-Onyango, "Heretical Reflections on the Right to Self-Determination: Prospects and Problems for a Democratic Global Future in the New Millennium," *American University International Law Review*, vol. 15 (1999), p. 151. For additional considerations of the "balancing test" approach in justifying human rights interventions, see Nikolai Krylov, "Humanitarian Intervention: Pros and Cons," *Loyola of Los Angeles International and Comparative Law Journal*, vol. 17 (1995), pp. 365–407.

[9] Perhaps the most famous state abandonments of affirmative action are those that occurred in California following a referendum, and those initiated by the Republican administration of Governor Jeb Bush in Florida. For the suggestion that race-based classifications "balkanize" the American polity, see the oft-quoted comment in the majority opinion in *Shaw v. Reno*, 590 U.S. 630, p. 657 ("Racial gerry-mandering, even for remedial purposes, may balkanize us into competing racial factions; it threatens to carry us further from the goal of a political system in which race no longer matters—a goal that the Fourteenth and Fifteenth Amendments embody, and to which the Nation continues to aspire.")

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conventional, such as basic human dignity, which includes, in some interpretations, the rights to shelter, food, clothing, and even meaningful employment. It is not hard to imagine that a time will come when the United States will intervene abroad on the grounds that some state fails to provide three branches of government on the American model, including a supreme court that interprets human rights as liberally as do certain elite American professors and trial lawyers.

There are also disturbing redistributionist implications to much academic and U.N. human rights rhetoric, and it is similarly easy to imagine the overthrow of a regime of private property by armed force in order to secure more dignity for all subject peoples. That experiment was, of course, tried in the Soviet bloc with disturbing results, but this lesson seems easily forgotten. The essence of the U.S. Constitution, at least in the minds of the framers, was that it was an essential tool to protect both person and property, and its Bill of Rights is heavy on the protection of property rights and light on what are now regarded, in the international sphere, as "fundamental human rights." Moreover, for the framers, the most fundamental right of all was the right to determine one's own destiny—by exercising self-government through one's elected representatives.

The U.N. Charter, as indicated above, nods in the direction of self-determination and noninterference, but its ambiguity regarding "fundamental human rights" undercuts this assurance. For the last generation, the U.S. Supreme Court, in expansively interpreting the commerce clause, the Bill of Rights, and the Fourteenth Amendment, seriously restricted state and local rights of self-government. At the international level, an analogous erosion—the risk of which is quite real—could come only at the expense of a loss of national sovereignty. In fact, that may already be happening: one need look no further than Kosovo, or the ceding of command of U.S. forces to NATO or the United Nations. Thirty years ago, Arthur Sutherland, another professor at Harvard, exhorted his students to practice in the area of public international law because much remained to be done and "the dew was still on the grass." It is now the late afternoon, and we ought to worry about what might happen before nightfall.

International law has always been messy, the law of nations always unclear. National sovereignty, as dear as that notion may be, is a fragile creation of the era of nation-states and only a few hundred years old. For most of human history the basic principle of international law was that might makes right. The idea of the sovereignty of individual nations as developed in the works of the great civilian treatise writers—Hugo Grotius, Samuel von Pufendorf, Jean Jacques Burlamaqui, and Emmerich de Vattel—was designed to secure for nations the right to govern themselves. Even the famously xenophobic English common law embraced this attitude through the work of William Blackstone and Lord Mansfield, and it was incorporated in American

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law through the great Federalist judges such as John Marshall, Joseph Story, and James Kent.[10]

Statecraft has always required prudence, particularly where no clear abstract principles for guidance exist. If sovereignty is to be preserved, such prudence will be in great demand, as will the strength to resist the temptation to abuse overwhelming military power in the pursuit of chimerical and dangerous ends. Just as Al Gore may need to accept that perfection in voting, or counting votes, is impossible, it is worth relearning some truisms: one cannot seek to overturn every injustice; there are usually at least two sides to every argument; and the opportunities for disinformation and falsehood have multiplied exponentially in the information age.

Accordingly, Americans ought to proceed with extraordinary judgment, restraint, integrity, and an attention to classic constitutional values, the most important of which are the protection of property and self-government. The risk of generating harmful precedents is horrific, and the cost of inconsistency dreadful. Attacking Serbia while ignoring "fundamental human rights" violations in Iraq or China may do little for human rights in the long run, and could instead radically undercut sovereignty and the rule of law.

National sovereignty may not be able to coexist with expanded notions of human rights.

Indeed, as the NATO adventure in Kosovo suggested, and as several years' worth of articles in American law reviews have recently explored, it is not at all clear that this modern universalist conception of human rights can coexist with national sovereignty.[11] Parenthetically, it is worth pointing out the similarities between the problem of discerning the real human rights in the Balkans and the current debate in Britain about adopting the euro. If the English conception of human rights, like the American, rests on the collective human right of the people to establish and maintain their national government, does it follow that they have a right to their own currency? Is the pound or the dollar the expression of a fundamental human right?

Britain, Europe, and the American Model

Europe now tends to follow American constitutional practice, and in particular, the legal realism of the U.S. Supreme Court. The grafting of the European Convention on Human Rights into law in the United Kingdom

[10] For the story of the incorporation of the principles of the law of nations into American jurisprudence by the great Federalist judges, see generally Morton J. Horwitz, *The Transformation of American Law 1780–1860* (Cambridge, Mass.: Harvard University Press, 1977).

[11] See, for example, Kresock, "'Ethnic Cleansing'"; Richardson, "'Failed States'"; Stopford, "Locating the Balance."

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might well lead to similar "discoveries" of new fundamental rights by British courts, following the American model.

What might soon happen in Britain is already under way in the European Court of Human Rights in Strasbourg, and it is frankly alarming. It is bad enough for American courts to ignore the vital principle that legislators legislate and judges judge, but if British courts do the same, then the days of looking to them for models of sound jurisprudence may be coming to an end. Most worrisome is that when American courts make up the rules, as the federal courts have been cheerfully doing since about 1937 and state courts since the 1960s, they tend to do so not only in violation of the principle of the rule of law, but in the service of a particular ideology that flies in the face of English and American tradition. That tradition, as expressed in the Declaration of Independence, England's Glorious Revolution, and Coke's institutes, is based on a collective conception of human rights in which the right of the people, acting through their legislatures, is the expression of sovereign prerogative. And it is precisely that tradition that is now under siege.

As the Supreme Court suggested in 1992 in a plurality opinion in *Planned Parenthood v. Casey*, the most troublesome U.S. Supreme Court case since *Dred Scott*, several justices no longer share a belief in such collective conceptions. Justices Sandra Day O'Connor, Anthony Kennedy, and David Souter wrote: "At the heart of liberty is the right to define one's own concept of existence, of meaning, of the universe, and of the mystery of human life. Beliefs about these matters could not define the attributes of personhood were they formed under the compulsion of the state." No one knows exactly what this means (and perhaps that is why it is now known as the "mystery passage"), but it apparently supported the justices' decision to find implied restrictions in the U.S. Constitution on state legislation regarding abortion. That argument has not yet been invoked successfully by advocates at the Supreme Court level to mint other new individual rights, but the effort is under way and may soon succeed. The "mystery passage" conceives of human rights as rights to be exercised in a regime that prizes human individuality above other values, one in which liberty itself depends on individuals' concocting existence and meaning utterly on their own. But that is not the way meaning is concocted; meaning passes through a filter of culture, and it is society, not individuality, that gives purpose to human life. Nor is it the way the framers of the Constitution conceived of human rights or liberty. For American jurists in the eighteenth century (and England's as well), liberty was believed not to exist except under the law, law could not exist without morality, and morality could not exist without religion. The modern American Supreme Court, which is terrified about allowing religion into the public sphere, has held otherwise, but it was the nearly universal view of the early federal judges. They believed in human rights, but they believed that those human rights could only be exercised in accordance with revelation and a benign creator's plan for the universe—that is, in accordance with a benign

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creator's grant of inalienable rights, not only to life, liberty, property, or the pursuit of happiness, but also to self-government and national identity.

If Washington, Hamilton, Madison, or even Jefferson had read *Planned Parenthood v. Casey*, he would have shuddered, and then wondered whether modern conceptions of human rights, at least as understood by the U.S. Supreme Court, have lost sight of the forest for the trees. As the European Union and courts of the United Kingdom begin to be more and more immersed in enforcement of human rights, they should consider the American experience and take care not to lose sight of the fundamental human right of self-government and the fundamental human need to derive meaning from social and perhaps national culture.

Too much individual liberty, those framers of the Constitution believed, leads to license, and license undermines the civic virtue needed to maintain a republic, or even a constitutional monarchy. The United States, the United Kingdom, and the European Union are now sailing into uncharted waters, and nothing less than the Anglo-American tradition of the rule of law is at stake. New, radically individualistic conceptions of human rights in America and Britain could lead to the abandonment of ancient truths. Britain's champions of the rule of law—men such as Coke, Blackstone, and Edmund Burke—were enormously influential to the framers of the U.S. Constitution. In the United States, competing and complementary sovereignties and the separation of governmental powers have long guaranteed liberty; Britons, until recently, relied on representing different orders in society in their government. Now that Britain is moving closer to republicanism and to written guarantees of human rights, we need to consider carefully just how these human rights ought to be conceived, how they ought to be protected, and just what human rights are fundamental.

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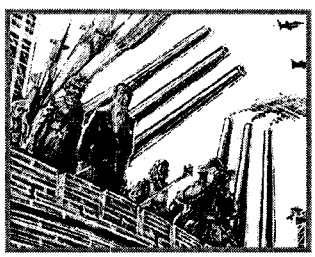

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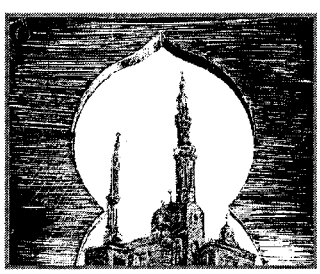

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The Cusp of Strategic Change in Asia

by Kurt M. Campbell

The Bush administration comes to power at a critical juncture in the affairs of Asia, a region on the cusp of major strategic change.[1] Japanese commentators have taken to referring to the 1990s as "the lost decade" because of their own protracted economic malaise, while others use the term to describe the lackluster progress in Asian multilateralism in the security realm. While that moniker obscures the many important developments of the past ten years—such as the potentially calamitous Asian economic crisis and a host of other security predicaments—many observers have discerned a degree of predictability and rationality in the progression of Asian events. In Europe, the end of the Cold War brought with it numerous strategic challenges, including the reunification of Germany, NATO enlargement, and the disintegration of Yugoslavia. In strategic terms, Asia experienced nothing as pressing, and this period of placidity has led to expectations in some quarters that present trends will continue into the future. However, the immediate future in Asia is likely to represent a significant departure from the apparent continuity of political and security trends in the past, providing a real test of American ingenuity and leadership. In short, Asia is in for big changes.

What are some of the indicators of change on the horizon? First and foremost, the rise and fall of major states and the process of "hegemonic transition" rarely occur without periods of upheaval (to wit, the perception of American hegemony, coupled with the rise of China and absence of Russia). Strong historical rivalries and endemic political distrust among leading states can also be indicative of underlying problems that could erupt all over Asia.[2]

[1] This article elaborates on a presentation to the Foreign Policy Research Institute's Inter-University Study Group on the United States and Asia, Philadelphia, Pa., Oct. 26, 2000.

[2] Paul M. Kennedy, *The Rise and Fall of Great Powers: Economic Change and Military Conflict from 1500–2000* (New York: Vintage Books, 1989). See also Henry Kissinger, *Diplomacy* (New York: Simon and Schuster, 1984).

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Political incoherence or the disintegration of a state (such as North Korea or Indonesia) could disrupt larger political dynamics. Discontent can also rattle regions that experience large disparities in economic performance, as could happen in the aftermath of Malaysia's rejection of International Monetary Fund reforms of the sort undertaken by Thailand and South Korea. The eventual success or failure of negotiations (such as those between North and South Korea, China and Taiwan, and India and Pakistan) could have an enormous impact on regional stability. So, too, could a sudden introduction of new military technology (such as large numbers of short-range missiles pointed at Taiwan, or an ambitious antiballistic missile program envisioned by the United States). Finally, the lack of an effective multilateral security structure (compare NATO to the ASEAN Regional Forum, a grouping built around the Association of Southeast Asian Nations) or even a commonly shared set of regional security norms (witness the difficulty of establishing a basic code of conduct for managing competition in the Spratly Islands and South China Sea) could also prove detrimental to the preservation of regional peace and stability.[3] All of these conditions now exist in Asia, and as they intensify and interact the consequences will be unpredictable. The supposed strategic placidity of the last decade is coming to an end and will likely be superseded by nonlinear, discontinuous change.

These developments will pose vexing challenges to the new U.S. administration. Indeed, the transfer from Bill Clinton to George W. Bush may, in time, be seen as an epochal shift in American attentions from Europe toward Asia, even though the latter was hardly the major foreign policy preoccupation during the presidential campaign and received even less attention during the transition period. However, the Pacific Century, long hailed but little understood, lies directly ahead.

The Asian Context

The reality, of course, is that the seeds of these potential changes are found in previous developments that were overlooked or misunderstood at the time and could only be fully appreciated in retrospect. While some commentators have tended to play down the consequences for Asia of the conclusion of superpower competition, the end of the Cold War in fact triggered a series of crucial events in Asia whose ultimate manifestations will only be realized in the coming years.

The end of U.S.-Soviet rivalry removed the most obvious rationale for Sino-U.S. cooperation, and ever since then leaders in Washington and Beijing have struggled to identify the foundation upon which a strategic partnership

[3] For a recent description of the emerging East Asian security architecture and the risks and possibilities associated, see Kent E. Calder, "The New Face of Northeast Asia," *Foreign Affairs*, Jan./Feb. 2001, pp. 112–17.

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could be built.[4] Japan, too, has slowly but inexorably begun to question some of the features of its long-standing security arrangements with the United States and reexamine its own defense identity in Asia in light of the emerging post–Cold War realities.[5] North Korea, the last remaining vanguard of an outmoded form of socialist organization, found itself truly isolated after the demise of the Soviet Union and the onset of market sensibilities in Beijing. As a result, the hermit leadership was forced to rely increasingly, and desperately, on its *juche* philosophy of self-sufficiency and to contemplate more daring diplomatic gambits, such as accepting the four-party talks, which included North and South Korea, China, and the United States, and engaging in high-stakes bilateral summits with South Korea and the United States.[6]

The Cold War's demise also made it more difficult to depict various Southeast Asian states, notably Indonesia, as pieces on a global chessboard. The presumed necessity of bolstering undemocratic regimes for the sake of internal stability and regional balances disintegrated, and the allegations of foreign-backed internal subversion lost much of their appeal in Western capitals, particularly in Washington. Furthermore, the way the Cold War ended led many in the region to assume both that Russia's focus would continue to be almost exclusively on European developments rather than Asian diplomacy, and that Russia was in decline and not likely to reemerge as an important actor to be taken seriously (two suppositions that will be challenged below). Finally, the United States began the 1990s in apparent decline, its energies allegedly wasted during the costly, protracted global competition with the Soviet Union, only to emerge by the end of the decade as a "hyper-power" unmatched in every dimension of national capabilities.[7]

Asia embarks upon the new century with a dubious distinction. While the much-overused phrase "the Pacific Century" conjures up images of commercial promise and political dynamism, the reality is that Asia is a dangerous place. For the first time in modern political history, every major challenge to peace and stability in the international arena is currently found in greater Asia. Any of three situations could trigger a major conflagration virtually overnight: the still-dangerous division of the Korean peninsula, the increasingly tense and unpredictable situation across the Taiwan Strait, and the volatile nuclear competition between India and Pakistan. Europe by comparison seems absolutely peace loving—ongoing troubles in the Balkans notwithstanding.

Indeed, every major state in Asia is in the midst of profound change. China is rising (or at least is perceived to be by its neighbors), Japan continues

[4] David Shambaugh, "Facing Reality in China Policy," *Foreign Affairs*, Jan./Feb. 2001, pp. 50–64.

[5] Japan has struggled with the issue of autonomy for years, as comprehensive examinations of its defense procurement plans demonstrate. See Michael J. Green, *Arming Japan: Defense Production, Alliance Politics, and the Postwar Search for Autonomy* (New York: Columbia University Press, 1995), pp. 147–49.

[6] Nicholas Eberstadt, *Korea Approaches Reunification* (Armonk, N.Y.: M. E. Sharpe, 1995), pp. 133–37.

[7] Richard N. Haass, "What to Do with American Primacy," *Foreign Affairs*, Sept./Oct. 1999, p. 37.

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to languish in the economic doldrums, the Koreas have embarked on a diplomatic course of historic significance, Russia is still struggling with market reforms as its international reputation suffers, and Indonesia teeters precariously close to collapse. Furthermore, a number of recent developments among Asian states create further unpredictability, such as the high-profile diplomatic initiatives between North and South Korea and the increasingly troubling machinations between China and Russia. It is important to review briefly some of these trends to gain a clearer picture of the shifting strategic landscape.

Changing Attitudes and Activities of the Major Powers

Perhaps the most important place to search for signs of strategic change in the Asia-Pacific region is in the United States, where three critical trends are at work. The first is the most difficult to identify or quantify. At the macro level, American elites increasingly share the view that the American future is tied to Asian fortunes. Associated with this realignment in international focus is a subtle but discernible shift in political-military activities to the Asia-Pacific region. American financial and trade statistics have long reflected the importance of Asia, but now U.S. military activity in and attention to the Asian theater of operations are increasing after a protracted period of preoccupation with European challenges, including NATO expansion and the operations in Bosnia and Kosovo. The last several years have seen renewed American efforts to revitalize bilateral security ties with Japan, South Korea, Australia, Thailand, and the Philippines. At the same time, forward deployment of U.S. forces in Japan and South Korea is coming under more scrutiny than ever before, and the United States will probably have to diversify its Asian presence in order to preserve it over the long haul. More will be said about this security trend in the subsequent section on Asian military developments, but the overall increase in focus on military matters is particularly noteworthy.[8] Ironically, most of Asia has long desired a more attentive and engaged partner in Washington. Now, however, the concern in Asian capitals is not so much with the intensity of the American focus but with its direction, particularly as U.S. policy relates to China.

The second trend to watch is precisely the increasing debate in policy-making and political circles in Washington about the nature of the U.S. relationship with China. Concern is growing that rather than heading toward a constructive strategic partnership, the overall relationship is veering toward strategic competition and perhaps confrontation. Areas of cooperation in Sino-U.S. relations surely exist—specifically, in stabilizing the Korean penin-

[8] See Calder, "The New Face," pp. 118–19; and John E. Rielly, "Americans and the World: A Survey at Century's End," *Foreign Policy*, Spring 1999, p. 103.

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sula—but even on this issue there have been clear signs of disagreement as speculation grows about possible new security arrangements after tensions on the peninsula subside. However, the matters sparking the greatest contention continue to revolve around Chinese proliferation activities and Taiwan. While there is always hope of diplomatic progress between Taipei and Beijing, uncertainty about cross-strait security grows along with missile buildups, military exercises, and the introduction of new military technologies. Among Asia's biggest worries is that Taiwan will become the catalyst for contention between the United States and China.[9] On this issue, Washington faces a conundrum when it comes to Asian objectives. Asian nations seek generally to avoid two outcomes associated with the Taiwan Strait: a major conflict involving the United States or China, and a situation in which the United States backs down from a crisis, thereby losing face and influence and setting a Vietnam-like precedent.

The third dimension is that this new-found U.S. focus on Asia is occurring during a period of predominant American power and influence in every aspect of international life, including military affairs, commerce, information, and culture. Nowhere is U.S. influence more strongly felt and understood than in Asia. In many ways, this is a truly remarkable turnaround from the political-military aftershocks of the end of the Vietnam War and the apparent economic malaise of the late 1980s. This unprecedented power—referred to in some Asian capitals simply as "hegemony"—has led to intricate thinking about ways in which Asian countries can both take advantage of American influence and simultaneously contain or undermine it. Most Asian states appreciate and desire a degree of leadership from Washington, but not too much of it. Currently, American power and influence are seen as too important to the smooth functioning of the global economy and international political system to allow for simple obstructionist approaches. A mix of self-interested cooperation and resistance is a necessary part of any sophisticated strategy. As one Asian ambassador in Washington explains, "The current analogy between U.S. global dominance and Microsoft's commanding market share is very compelling. Like Microsoft, we want to see U.S. power weakened, but at the same time we use and appreciate the operating system it provides." This proclivity to seek to counter certain manifestations of American power will probably last as long as the period of U.S. predominance. Indeed, the contradictions in Asian attitudes toward the United States will likely be a lingering feature of Asian security diplomacy.[10]

Most Asian states desire a degree of leadership from Washington, but not too much.

[9] See Shambaugh, "Facing Reality"; James Lilley and Carl Ford, "China's Military: A Second Opinion," *National Interest*, Fall 1999, pp. 71–77; Zbigniew Brzezinski, "Living with China," *National Interest*, Spring 2000 pp. 5–22.

[10] See Calder, "The New Face," pp. 114–22; Ted Galen Carpenter, "Roiling Asia," *Foreign Affairs*, Nov./Dec. 1998, pp. 2–6.

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China has taken a leading role in seeking to undermine the United States' security position in Asia, voicing frequent criticisms of the American forward presence and associated bilateral security ties. China is also showing signs that it remains unconvinced that Asia is big enough for both China and the United States. Chinese leaders see the increased U.S. security focus on Asia as evidence of Washington's desire to check Beijing's growing influence, and belief in a "containment strategy" is now an article of faith among senior People's Liberation Army officers. Increasingly, U.S. and Chinese positions are at odds when it comes to security collaboration on difficult issues such as nonproliferation and regional diplomacy. In short, the United States cooperates with China where it can and contends when it must, whereas China competes where it can and cooperates when it must.[11]

Elsewhere in the region, China has worked tirelessly to build a disparate collection of stronger bilateral ties, especially in Southeast Asia. It built up enormous regional influence during the 1990s on the basis of its economic potential, size, and proximity. Since the middle of the decade, it has concluded confidence-building and security agreements with every country it borders, reflecting an ambitious redirection of national attention away from its traditional diplomatic and military focus on the northern and western borders toward the new frontiers of trade and diplomacy in the east and south. This suggests a larger realization that maritime lines of communication will be more important to the China of the twenty-first century. China has also taken steps to rebuild its relationship with Russia, both as a source of modern military hardware and as a diplomatic hedge against the perceived excesses of U.S. power.[12]

While Japan continues to be stuck in an economic rut, its people are changing their attitudes about security in critical ways and beginning to voice questions in public and private about the long-term viability of the U.S.-Japan security partnership. Many Japanese want their country to play a more "normal" role in the security sphere and enlarge its participation in U.N. peacekeeping and certain regional security activities. Constitutional issues that go to the heart of Japan's self-defense stance are being debated as never before. Tokyo is showing increasing signs of frustration at Beijing's refusal to acknowledge Japan's legitimate security concerns and its potentially significant and constructive regional role. Constant reminders from Beijing about 1937 hardly help (although Japan could do much more to communicate unambiguously to China its sincere remorse for wartime activities). The Japanese also want and need to be consulted more by the United States on

[11] Thomas A. Metzger and Ramon H. Myers, "Chinese Nationalism and American Policy," *Orbis*, Winter 1998, pp. 34–36.

[12] Bates Gill and Nicholas Lardy, "China: Searching for a Post–Cold War Formula," *Brookings Review*, Fall 2000, pp. 15–18.

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security issues that impact them. Americans have a critical opportunity to influence these nascent debates. For those who argue that Japan is a "wasting asset" in irreversible decline, it might be useful to recall that only a decade ago it was taken as an article of faith that American power was waning around the world. It would be foolhardy to underestimate the enduring dimensions of Japanese power, just as it was unwise for some Japanese to dismiss the latent and enduring qualities of American power during the 1988–93 period of supposed U.S. decline. Japan will continue to play a vital political and economic role in the international system for decades to come.[13]

Russia is showing signs of reemerging as an Asian power after being absent for most of the 1990s. Vladimir Putin has made clear that his country has a diplomatic role to play on the Korean peninsula, a position that has received support in both Korean capitals and has led to a revived discussion of a six-party northeast Asian security forum. Russia is also showing signs of reviving its stalled diplomacy with Japan over official ties and the status of contested territory. Finally, its decision to form a united diplomatic front with China against the United States and provide Beijing with modern military technology signals one of the most significant and troubling diplomatic and political-military developments of the late 1990s.[14]

South Korea is both the most likely scene of significant strategic change in Asia and the driving force behind this change. South Korean president Kim Dae Jung's determined diplomacy toward North Korea has opened an unprecedented window of opportunity with Pyongyang. However, the most significant development associated with North Korea has been the hard-won consensus among Washington, Seoul, and Tokyo about a common strategy for engaging North Korea. Beijing has also supported this strategy, and its involvement has been critical in luring North Korea out of its self-imposed exile. This alignment of views among the major powers, though noteworthy, applies primarily to efforts to bolster or sustain the status quo. If at some point in the future that status quo is seriously tested, either by a potential clash between North and South or by the collapse of the North, this consensus may not survive. One vexing issue on the horizon is the possibility of continuing (or perhaps expanding) the security ties between a unified or tension-free Korea and the United States, a matter that has already led to diplomatic sparring between Beijing and Washington.[15]

Indonesia is significant in Asian diplomacy mostly because of its

[13] Yoichi Funabashi, "Tokyo's Depression Diplomacy," *Foreign Affairs*, Nov./Dec. 1998, pp. 26–36; Jacob M. Schlesinger, "Shadow Shoguns: The Origins and Crisis of Japan, Inc.," *Washington Quarterly*, Spring 1998, pp. 135–37.

[14] Stephen P. Gilbert, "East Asian-Pacific Security: An Assessment," *Comparative Strategy*, Oct.–Dec. 2000, pp. 343–44; Yury Alexeev and Dmitry Kosyrev, "Putin's 'Eastern Diplomacy' to Start with a Sensation," *Nezavisimaya Gazeta*, June 10, 2000.

[15] Shambaugh, "Facing Reality," pp. 52–54.

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retreat from the international scene since the onset of its domestic difficulties. Indonesia had been a driving force in ASEAN throughout much of the past decade, but internal matters have prevented any focus on regional issues and caused a discernible loss of momentum in ASEAN as a whole. Asian concerns about Indonesia stem from the potential for upheaval and disunity in the world's fourth-largest country, the shockwaves this would send to its neighbors, and the fear that with Indonesia otherwise engaged or distracted, Southeast Asia could lose its coherence and much of its former influence.[16]

Building Military Capabilities and Hedging against Change

The strategic uncertainty associated with the changing security landscape has led many Asian states to hedge diplomatically and militarily by, for example, pursuing ambitious diplomatic agendas with key states (especially China) and simultaneously developing stronger security ties with the United States. However, the most obvious way to hedge in the security sphere is by seeking to acquire greater military capabilities. A number of trends bear close scrutiny, especially the contrast between Japan and China. The latter still has a relatively outmoded military, but its leadership is clearly investing in "pockets of excellence," including missiles, fighter aircraft, and C^4I capabilities (command, control, communications, computers, and intelligence) for future contingencies in the Taiwan Strait. Since the Taiwan Strait crisis of 1995–96, the Chinese political and military elite has become increasingly preoccupied with developing capabilities and plans for possible military actions against Taiwan.[17]

Japan, on the other hand, has a relatively sophisticated military that includes high-performance fighter aircraft, destroyers equipped with the sophisticated Aegis system, and a well-trained army. But it has also been engaged in a protracted internal deliberation as to whether to amend the nation's constitutional restrictions on the use of force in situations beyond self-defense. Japan is in the process of revising the so-called Defense Guidelines that could someday determine the nature of the country's involvement in regional contingencies, peacekeeping, and U.N. operations.[18] Simply put, China has the will to assert itself but not yet the capabilities, while Japan has long possessed the wherewithal but lacks the national consensus. These contrasting trends in the two most powerful nations of Asia will have a crucial bearing on the security situation in the region as a whole.

Several other Asian states—including Thailand, Indonesia, Singapore,

[16] Kerry B. Collison, "Indonesia: Disintegration of the Last Great Colonial Power?" *Defense and Foreign Affairs Strategic Policy*, Oct. 2000, p. 4.

[17] William M. Carpentar, "The Taiwan Strait Triangle," *Comparative Strategy*, Oct.–Dec. 2000, pp. 331, 335.

[18] Michael J. Green, "The Forgotten Player," *National Interest*, Summer 2000 (http://www.nationalinterest.org/issues/60/Green.html).

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Malaysia, and South Korea—were in the midst of significant military modernization efforts in 1997 when the economic crisis hit. Most of their plans for upgrading capabilities in combat aircraft and naval platforms were subsequently shelved, and only now are some Asian states looking again at incremental modernization programs as their economies rebound. Overall, Asia still has relatively modest national arsenals, although China has taken significant steps to build national military capabilities through internal procurement, extensive purchases from Russia, and clandestine cooperation with Israel.[19]

Perhaps the most important military developments in recent years in Asia have to do with the United States. Beginning in the mid-1990s, the Clinton administration began an extensive process of revitalizing bilateral security ties, including greater defense consultation and cooperation with Japan, South Korea, and Australia, and more joint training and interaction with Thailand and the Philippines. Unofficial but strong security ties with Singapore have also been intensified. American military thinking, activities, training, and deployments in Asia overall are increasing substantially. As a senior member of the Joint Chiefs of Staff remarked, "The services are going to Asia because that is where the action is going to be in the future, without a doubt. It took a while for the U.S. military to fully appreciate the challenge and potential of the mission to preserve peace and stability in Asia, but the realities on the ground and in the surrounding waters have convinced even the hardest-core Europeanists in the ranks."[20] At the same time, the forward troop presence in Japan and South Korea is facing greater domestic opposition in the host countries because of concerns over noise, intrusiveness, legal jurisdiction for service members suspected of wrongdoing, and land-use and environmental issues associated with Status of Forces Agreements. The pressure on U.S. forces is particularly acute in Okinawa, but the symptoms of growing dissatisfaction are certainly not limited to the island prefecture.

The military development that has the greatest potential to roil regional relations is the U.S. desire to build a ballistic missile defense system with the potential to intercept intercontinental ballistic missiles launched by rogue regimes, principally North Korea. Also, U.S. decisions about possible defensive arms sales to Taiwan, including Aegis platforms and advanced air-to-air missiles, in response to PRC deployments, could trigger another downturn in Sino-U.S. relations just as contacts have begun to recover after the accidental bombing of the Chinese embassy in Belgrade.

[19] For a description of the relationship between the Asian economic crisis and military spending in Asia, see Glenn Shloss, "Market for War Turns Bullish," *South China Morning Post*, Mar. 15, 2000. For analysis of recent Chinese arms acquisitions, see Shirley A. Kan, "China's Foreign Conventional Arms Acquisitions: Background and Analysis," CRS Report RL30700, Oct. 2000.

[20] Conversation between the author and a member of the Joint Chiefs of Staff, Aug. 2000.

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Asian Multilateralism and the Fire Next Time

It is often said that Asia has only one true multilateral security institution, the ASEAN Regional Forum (ARF), but in reality there are no genuine multilateral security institutions in Asia, and this absence is not an accident. Asian states large and small have been reluctant to entertain the creation of a security architecture that either sacrifices national sovereignty or legitimates any form of collective security. Existing regional institutions such as the ARF promote dialogue, not collective defense. Peace and stability since 1975 have rested on the forward deployment of roughly 100,000 U.S. soldiers, sailors, and marines, and diverse bilateral ties with Japan, South Korea, Australia, Thailand, and the Philippines. Virtually no country in Asia is fully satisfied with the status quo, but it has often seemed preferable to the alternatives, such as a security framework that could potentially condone military actions in a crisis. The ARF has expanded its scope of activities to include the exchange of defense white papers and sanctioning of search and rescue workshops, but its progress has been slow in recent years, particularly since collective attention in Asia has focused more on economic recovery than security.[21]

The litany of current and future dangers in Asia notwithstanding, the last decade has in fact been remarkably placid. Few conflicts or skirmishes have occurred, and this relative quiescence has no doubt reduced incentives for bold action in the area of multilateralism and regional security. The Korean peninsula has grown increasingly militarized, but—aside from a few infiltrations from the North and a naval engagement in disputed waters—an unstable peace has prevailed. The 1994 nuclear crisis between Washington and Pyongyang was perhaps the closest the peninsula has come to conflict. Moreover, the dispatch of two U.S. aircraft carrier battle groups to the waters around Taiwan in response to PRC missile tests and saber rattling in 1996 was seen as a signal of American determination to deter further military provocation.

The most notable multilateral security challenge in recent years was the U.N.-sanctioned, Australian-led military intervention to restore order in embattled East Timor, in which nearly twenty nations contributed almost 10,000 troops for three months in 1999. Some American commentators and practitioners have seized on this operation, which saw the United States play a very modest supporting role, as a model for future interventions, whereby the United States can provide certain logistical and communications support

[21] For a discussion of the benefits and limitations of track-two diplomacy in Southeast Asia, see Herman Joseph S. Kraft, "The Autonomy Dilemma of Track Two Diplomacy in Southeast Asia," *Security Dialogue*, Sept. 2000, pp. 343–56. For a description of the evolving relationship between the ARF and defense cooperation in Southeast Asia, see Sheldon W. Simon, "Security Prospects in Southeast Asia: Collaborative Efforts and the ASEAN Regional Forum," *Pacific Review*, June 1998, pp. 195–212.

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without getting its boots dirty.[22] However, the fortuitous conditions that led to the East Timor coalition's success will be difficult to replicate. In addition, rather than being hailed in Asia, Australia's experience in leading the coalition is seen by many as a cautionary tale to be avoided in the future.[23] Hence, the East Timor operation is more likely a "one-off" than the start of a new trend in Asia-Pacific security cooperation.

Blueprint for the American Future in Asia

Perhaps the most important step the United States can take in the period ahead will be to embark upon a period of deep, sustained strategic dialogue with Japan. Although occasionally neglected, Japan continues to be the linchpin in overall U.S. strategy in Asia. The purpose of this endeavor would be for the two sides to compare perceptions on a wide range of critical issues. Topics for strategic dialogue would include the potential for dramatic change on the Korean peninsula, the rise of China, the development of national missile defense, growing tensions in the Taiwan Strait, and the implications of political incoherence within ASEAN. A real strategic conversation will turn out to be a much more difficult proposition than is commonly understood, largely because the two countries have simply gotten out of the habit of such discourse and consequently have not been forced to confront and work through their differences. However, with all the indications of profound and fundamental change brewing in Asia (and especially in the alliance itself), the U.S.-Japan partnership can no longer neglect the necessary housekeeping that is the foundation of any partnership or alliance. The goal of this mutual endeavor should be not only to review recent events, but also to discuss ways to encourage positive trends and develop contingency thinking for potential setbacks. The dialogue should highlight the need to complete the revision of Japan's Defense Guidelines and anticipate new security challenges in the arena of cyber-security, homeland defense, and common environmental challenges. Even if nothing else on the security agenda can be accomplished, reviving a true strategic conversation between the United States and Japan will be exceptionally significant and beneficial to the preservation of peace and stability in a broader Asian context.

The next item on the U.S. agenda should be the design of a new framework for U.S., Japanese, and South Korean cooperation. One of the

[22] For examples of commentators who view East Timor as a model for U.S. policy, see Michael Hirsh, "The Rise of the 'Rego-Cops,'" *Newsweek*, May 22, 2000, p. 38. Also see Leon Hadar, "U.S. Taking the Right Tack in East Timor," *Business Times* (Singapore), Mar. 29, 2000. The George W. Bush administration is also believed to favor the East Timor model. See Vincent J. Schodolski, "In Foreign Policy, Bush Draws on Reagan's Heritage; GOP Hopeful Likes the 'East Timor Model' and Would Limit U.S. Involvements, Advisors Say," *Chicago Tribune*, Nov. 29, 1999.

[23] Michael Richardson, "A Cautious Pacific Giant: Australia Shies from New Peacekeeping Role," *International Herald Tribune*, June 13, 2000.

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most important developments of the past five years has been the growth of this trilateral relationship. As a result, the two bilateral alliances have taken on some overlapping characteristics. The initial rationale for cooperation in the mid-1990s was the challenge posed by North Korea, but the actual arena of cooperation has expanded. It is time for security specialists in all three countries to consider what steps might be possible to provide a more formal trilateral framework for future cooperation. Such an understanding could reassure the three partners as they confront the prospect of fundamental change in North Korea. The goal would be to create institutions and procedures that transcend the division of Korea.

Thirdly, the Pentagon must be directed to maintain the substantial forward deployment of U.S. forces that has been a key ingredient in U.S. strategy in the Pacific for nearly half a century. This presence underscores American resolve to shape the strategic environment and respond to challenges to peace and stability. This presence is the cornerstone of any successful strategy, but it must be said that with respect to currently deployed U.S. forces, there are simply too many eggs in too few baskets. The United States must begin to undertake a "grand pivot" away from its nearly total reliance on bases in northeast Asia to a strategy that seeks a variety of operational arrangements and training regimes throughout the region, including Southeast Asia and Australia. These arrangements might include completing new military facilities in Singapore, seeking new training opportunities in the Philippines and Thailand, and possibly deepening alliance ties with Australia by maintaining a permanent U.S. presence on the ground. This not only anticipates the prospect of change on the Korean peninsula, but also addresses the growing feeling in some host communities in Japan, particularly in Okinawa, that their burden is simply disproportionate. Operational military doctrine must be revised to allow for the long-term deployments of smaller groupings of forces so as to move away from the overseas garrison model. Finally, American planners must focus their attentions on actual military capabilities rather than total numbers of soldiers, sailors, and marines as the measure of their power and resolve.

The U.S.-Japan partnership is essential to peace and stability in Asia.

Russia currently has one major avenue for interaction with Asia: China. Hence, a fourth American goal should be to broaden Russia's overall engagement in the region. Two immediate opportunities present themselves. Washington should work to restore momentum and purpose to the on-again, off-again negotiations between Japan and Russia. An improvement in relations between Moscow and Tokyo could have significant economic and political benefits—particularly for Russia—and help to broaden Russia's regional role. Washington should also take account of the more significant role Russia intends to play in multilateral diplomacy on the Korean peninsula.

As a fifth goal, the United States should promote discreet discussions

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with allies and friends on national and theater missile defense. Although understanding of ballistic missile defense capabilities and threat assessments in Asia lags well behind expert understanding in European circles, concern is rising in Asia about U.S. goals and objectives with relation to these ambitious systems. The Bush administration must make it a priority to explain American thinking to its friends and allies in the region and listen carefully to their reservations. This process should be seen as a crucial next step in any process of missile defense development and deployment in Asia.

The sixth goal of American diplomacy in Asia should be to weigh in on the side of multilateralism in Asian security by proceeding simultaneously along three paths. One is to promote significant multilateral dialogue inside the ARF and focus more on deepening the dialogue in previously difficult or taboo areas (such as the situation across the Taiwan Strait or on the Korean peninsula), rather than on expanding the membership base. There must also be greater functional discourse in areas such as cooperative peacekeeping in Asia and common responses to natural disasters.

A second path is to accelerate "track two" (unofficial) and "minilateral" dialogues, as opposed to full multilateral discussions. In contrast to the cooperation and communication among the United States, Japan, and Korea in the recent past, the three major powers of Asia—China, the United States, and Japan—have engaged in remarkably little dialogue at a comparable level. It is certainly premature to consider any formal mechanism to accomplish this task, but a number of steps in the unofficial and official realm could be developed to improve trust and confidence on the margins. However, any strategic reassurance among the three is likely to require a series of complex negotiations. The United States must somehow convince China that it does not seek to contain its rise, and it must persuade Japan that it remains a reliable, steady partner. Japan, in turn, must convince China that it will sincerely deal with history, and persuade the United States that it will continue to support the American forward presence, both materially and politically. China must convince the United States that it sees Asia as big enough for both of them, now and in the future, and it must accept an increased Japanese role in the security affairs of Asia. It is hard to imagine long-term peace and stability in Asia unless these three powers achieve a strategic modus vivendi. Informal trilateral dialogue can also reduce Chinese uncertainties about the purposes behind the U.S.-Japanese political and security alliance.

Finally, it is time for the states of northeast Asia to develop their own security forum, with a focus on maintaining peace on the Korean peninsula. China has been cool to the concept in the past, but the new conditions in the region will test whether it is now interested in stable multilateralism or simply seeks to reduce U.S. power. The State Department should also reexamine prospects for establishing six-party security and economic discussions about the Korean peninsula, drawing in both Japan and Russia. Russia's political

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standing in Pyongyang has risen substantially, and it is vital to have a more active Japanese role when discussing economic and humanitarian matters related to North Korea.

The United States faces a dilemma when it comes to contemplating significant changes in either its forward-deployed force structure or attitudes toward multilateralism in the security sphere. Signs of American enthusiasm for multilateralism have stoked fears in the past of a flagging U.S. commitment and possible withdrawal from current responsibilities, while talk of boosting the American presence and revitalizing Asian alliances has conversely stoked fears of a scheme to contain China. Asians by and large want the United States to hedge in its approach to China, but are alienated by overt signs of hostility. Conversely, fears of a future American withdrawal tempt Asians to hedge as well—by cozying up to China. Such perverse perceptions suggest that leadership on multilateral initiatives should arise from within the region and then gain support from Washington, rather than the other way around.

Conclusions

The election of a new president provides an opportunity for the United States to reflect on recent Asian political history and speculate on what might lie ahead for the region. The poorly understood but oft-discussed Pacific Century is now dawning, and the major foreign policy challenges confronting the United States in the immediate future will likely arise in Asia: the inevitable changes coming on the Korean peninsula, the security and political fallout of China's rise to regional dominance, and the potentially calamitous political collapse of Indonesia. The next tier of challenges worldwide would draw further attention to Asia. Trade friction between the United States and Asia—long dormant because of the strength of the U.S. economy—will reappear with a vengeance if the American engine of growth slows significantly. The Taiwan Strait remains one of the most dangerous and unpredictable spots on the globe, and the U.S. role is self-consciously ambiguous. Indeed, the entire security architecture (or lack thereof) in Asia may prove to be a critical flaw in the years ahead.

The early indications regarding the Bush administration's objectives in Asia suggest at least a rhetorical recognition of the strategic, commercial, and political importance of the region, and its focus on the primacy of bilateral relationships in Asia is a good start. Reassuring formal allies and friends of America's continued involvement will go a long way toward heading off a perception of disinterest or inattention that could lead to greater unilateralism on the part of anxious partners. However, American policy must also appreciate that some form of commercial and political engagement of China is fundamental to the success of U.S. foreign policy in Asia. The key will be to pursue engagement while simultaneously preparing for its potential

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failure. Only an engagement strategy will give the United States the diplomatic credibility to implement a successful containment strategy if engagement should ever fail.

Other far-reaching challenges also confront the new administration, including a forthcoming conclusion to the debate over national missile defense and tackling security issues such as infrastructure and homeland defense. If that were not enough, it will probably also be necessary to engage in a protracted national debate in order to sustain public commitment to U.S. foreign engagement in all its manifestations. The point of all this is that stability and security in the era to come will be directly affected by policy decisions taken by the United States during the next few years. Washington must work to shape the emerging strategic environment in Asia as relentlessly and creatively as it tackled the previous challenges in Eastern Europe and the former Soviet Union.

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A Ten-Year Rule for Defense Planning

by Martin C. Libicki

In 1919, flush with victory in World War I but bled white from the fighting, Britain's government announced a "ten-year rule" in its defense planning, premised on the expectation that the country would face neither a major conflict nor the need for a large overseas deployment for at least a decade.[1] That decision freed Britain to slice defense expenditures and maintain only a skeletal defense force, an adequate navy, and some capability for colonial policing. The rule remained in effect until late 1932, shortly before Hitler's appointment as German chancellor. Seven years later, Britain was at war, and within eight was fighting for its life against the German Luftwaffe.

Since that time, enthusiasm in the United States for a similar rule has been tepid at best. During the Cold War, it would have been out of the question, but a decade after the conclusion of that competition the idea remains anathema to American military and strategic planners. Readiness is the mantra of the armed services and the touchstone of presidential politics on military issues. Few people, however, have stopped to ask whether the enemies that the U.S. military is now ready to face resemble the likely enemies of the future. The simple answer is that they may not.

The United States has now achieved a level of military dominance unmatched since the Mongols in their heyday (and enjoys far more goodwill beyond its borders than Genghis Khan's hordes ever did). The country's national security standing has little room to improve, and in the short term there is little likelihood of a sharp decline. Such regional bullies as now exist are no match for the United States should it ever decide to bring its full might to bear. Ten to fifteen years hence, however, the conditions favoring the United States will have probably deteriorated sharply. Unless one believes

[1] For his generous help in preparing this article, I am indebted to Dr. Alvin H. Bernstein, who passed away in early March 2001.

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that the world's most powerful nations will coexist happily ever after, the United States must anticipate the return of contentiousness and competition among them, along with the potential that large parts of the world will oppose the spread of American values, influence, and power.

An explicit ten-year rule would tell the defense bureaucracy to plan to meet foes that are both larger and more sophisticated than today's. To be in a position to do so, the United States needs to transform itself in potentially uncomfortable ways, even at the cost of slightly increasing its exposure to risks in the immediate future. The alternative is to assume that current preparations for war will suffice for the future, and that the problems and mores of today's quick wars (including a high aversion to taking, and even inflicting, casualties) will endure.

The United States can succeed where Britain failed because of the indisputable multidimensional dominance of the U.S. economic and technological base—and hence its military.[2] Britain in 1920 faced any number of countries capable of raising military forces comparable to its own. But Britain counted the United States as a firm ally or at least friendly neutral, and discounted any danger from France (since it would probably remain friendly), Germany (hopefully friendly), the Soviet Union (clearly unfriendly, but chaotic), or Japan (a recent ally). Significantly, however, all but France had the potential to pull ahead of Britain economically. This fact made it impossible to justify a ten-year rule except on the assumption that those countries that *could* raise comparable militaries would choose not to, or would at least build up slowly enough to permit Britain to keep pace. By contrast, the United States is currently without an economic, technological, or military equal. Today, only Europe, and only by acting in concert, has the requisite financial strength to develop such a military, but it lacks the technology, the youth cohort, and any plausible motivation for armed hostility against U.S. interests. Japan's population, only half as large as America's, is aging more rapidly and shows little eagerness for war. Russia is a basket case economically, demographically, and spiritually. China and India are rising powers, but at least ten to fifteen years away from having economic might comparable to that of the United States. The United States can thus assure itself of military dominance over that time period by measuring not the intentions, but only the actual capabilities of others.

The Tyranny of the Present

The U.S. Department of Defense is well aware of the need to prepare for the future. The Joint Staff has published doctrines on the subject; expen-

[2] This view is not universally held. Donald Kagan and Frederick W. Kagan argue that the United States is today making the same mistakes Britain made in the 1920s and 1930s. See *While America Sleeps: Self-Delusion, Military Weakness, and the Threat to Peace Today* (New York: St. Martin's Press, 2000).

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ditures for new programs and other research and development (R&D) continue apace; and some of the future environments in which war is contemplated are figuratively and literally out of this world.[3]

Military spending as a whole, however, tells a different story. The sharp-edged fiscal constraints imposed after the Cold War's end forced the military to demonstrate its utility in the immediate term rather than with preparations for distant and seemingly unlikely contingencies. Thus, the army emphasizes the acquisition of weapons that would have put its soldiers rapidly into the field against Serbs, rather than those that would enable them to emerge intact from a fight against heavily armed opponents. The navy talks of pushing operations toward the enemy littoral despite the proliferation of land-based antiship weapons that can be easily hidden. Similarly, the air force puts a higher percentage of its bomb-dropping capability in short-range fighters rather than long-range bombers despite the profusion of missiles capable of decimating airfields. The oft-vaunted drive for information superiority is indeed crucial, but relies on systems that will work as planned only against foes that lack the capability to conduct electronic warfare or space operations at a level that the Soviet Union achieved in 1985. Even the Defense Advanced Research Projects Agency, whose mission is explicitly to push the planning horizon further into the future, reined in its focus to the medium-term after the Cold War ended.

At its worst, the emphasis on the present evinces sloppy thinking.

To some extent, national missile defense represents the worst case of sacrificing long-term security to immediate concerns. Convinced that the United States will face a serious threat by 2005, Congress has pushed for the rapid deployment of an antimissile capability even though doing so would require implementing questionable and unproven technology. No system built today can eliminate the threat from second-tier nations with the resources to buy or build the mere handful of intercontinental ballistic missiles that would suffice to get at least one of them past the inevitable "leaks" in the defenses. Nor could such a system offer protection against opponents with the skills to develop countermeasures. Rapid deployment will, however, divert attention and resources from the development of thorough defenses in the long term.

At its worst, the emphasis on the present evinces sloppy thinking, the troubling conviction that threats will only arise from rogue states (or "countries of concern"), terrorists, mafiosi, warlords, and chaosmongers. Absent is the notion that the United States might face a functioning, legitimate state with opposing but not irrational interests pursued by all means available including violence—and that such a state might not arouse the world's condemnation.

[3] See, for instance, Joint Chiefs of Staff, *Joint Vision 2020* (2000) (http://www.dtic.mil/jv2020), and *Joint Vision 2010* (1996) (http://www.dtic.mil/jv2020/history/jv2010.pdf).

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The Return of Power Politics

Designing a defense policy against tomorrow's threats hardly implies their inevitability. The current calm may persist for decades, and if it does, the United States will have spent a few billions of dollars on defenses never used in war—for which everyone should rejoice. While shrewd investment against a serious threat is obviously critical if war ensues, it is also critical to deterring war or coercion.

The question is where a major threat might lurk. The most likely place is Asia, specifically the arc from Karachi to the Kuriles, encompassing India, Indonesia, China, and Japan. Like Europe a century ago, Asian nations are groping with industrialization, uncertainty about each other's intentions, and nationalism (which has been actively encouraged in some quarters as a defense against fissiparous forces). In 1941 the United States conclusively learned that its own security also depended upon the security of Asia. Today, when the Asian arc holds half of the world's population and is experiencing rapid economic growth, that lesson is even more compelling.[4] Asian states are not noticeably more bellicose than others, but their rising wealth can fuel both strength and ambition. Any state that manages to bring most of Asia under its sway (whether by coercion or physical occupation) will gain the resources, and perhaps the momentum, to threaten U.S. interests everywhere.

The United States cannot and should not thwart competition from nations in Asia or anywhere else in the economic, political, or cultural spheres, even if that competition entails lost orders for U.S. products, job displacements, and higher prices for scarce resources. The United States must, however, discourage any threat or use of military force. In essence, the national security of the United States in the twenty-first century requires convincing Asian powers that they are welcome to compete with the United States through every possible means except the use or threat of violence.

This logic does not necessarily require casting China as the new "evil empire." China might well turn out to be ill tempered but tractable, or hostile but so fractionated as to pose no threat. It would be a grave blunder indeed if war erupted because the United States treated China as an enemy before China had resolved to become one. Power in Asia has shifted before and could shift again. After all, the Soviet Union circa 1980, with its overmilitarized client states such as Vietnam and North Korea, aroused justifiable American fears. A decade later, most Americans identified Japan as a greater threat than the crumbling Soviet Union. Today, China evokes the most concern, but it will not necessarily keep this role throughout the new century. India, Russia, Japan, or even coalitions built around economic blocs (such as the Association of Southeast Asian Nations) or religious affiliation (such as Islam) could one day pose the most serious risk to U.S. interests.

[4] See Aaron L. Freidberg, "The Struggle for Mastery in Asia," *Commentary*, Nov. 2000, pp. 17–26.

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One might imagine (as do many at the Pentagon) such a power to be a larger, more resolute version of Iraq, whose heavily armored divisions could not make up for a comparatively unsophisticated air force, weak logistics, little naval power, and a strictly top-down command-and-control apparatus. Contemporary China seems to fit the bill, albeit with more powerful missiles, modern computer equipment, and elite units said to be particularly fearsome (a reputation that Iraq's Republican Guards temporarily enjoyed). But if China has gained any insights into the revolution in military affairs (RMA), they remain a secret. The People's Liberation Army may be buying former Soviet equipment as though it were going out of style—which it surely is—but such equipment brings with it the ghost of Soviet military thought. China has yet to master the material and force-integration skills that would allow it to project power. It is not even clear that China could invade Taiwan successfully if the United States were preoccupied elsewhere.[5] Were a future Asian menace merely a larger version of what now exists in China, the United States might eventually have to alter the quantity of its armed forces, but not its quality. Preparations could, with modest increases, proceed much as they do now.

Suppose instead that Beijing is the wrong place to look for the future of China's military. This is a country, after all, renowned for the speed at which it has moved "up-market" in erstwhile high-technology sectors. Thus, one can imagine successful entrepreneurs from Hong Kong or Shanghai—far more at home with information technology, complexity, and fast-paced competition than Saddam Hussein or most of China's generals—coming to the aid of their country in a moment of (real or imagined) peril. Accomplishment in international business need not preclude nationalism, and a coterie of skilled visionaries could close the gap between the Chinese military's current capabilities and its potential. Together with like-minded modernizers among middle-ranking officers, and free of Maoist or Sovietophile military doctrine, such leaders could radically alter China's power and apply high technology to the art of war. Such transitions take time, but ten to fifteen years is by no means too short a period for fundamental change. Furthermore, a scenario of this sort need not focus on China. Replace Shanghai with Bangalore or Chennai, and Beijing with New Delhi, and the same principles apply. None of this is inevitable, but the United States would be foolhardy to ignore the possibilities that the RMA has brought within sight.

The Race to Revolutionary Change

If information technology has utterly transformed the civilian world, should not its influence in the military realm be just as profound? Whether it

[5] See Michael O'Hanlon, "Why China Cannot Conquer Taiwan," *International Security*, Fall 2000, pp. 51–86.

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yields good or ill, however, may depend on who first recognizes and utilizes the new potential.

To understand the prospects for radical change over the next ten to fifteen years, consider that war, as the United States tends to wage it, is essentially a matter of locating enemy targets and then replacing them with smoking holes. Historically, both tasks required manpower and manpower-intensive equipment. However, since the cost-effectiveness of silicon doubles every two years while that of human beings does not, it is plain that the substitution of computers for human beings makes good economic sense. Networked sensors can gather intelligence, and precision weapons can hit targets; neither task requires a great number of soldiers at or near the front lines. As the human presence diminishes, platforms (i.e., ships, aircraft, armor, and artillery) become little more than launch sites for missiles, long-range rounds, and unmanned, sensor-laden vehicles that fly, swim, or crawl into the battlespace.

The replacement of platforms by systems of many smaller tools is part of a broader technological trend. Until roughly 1975, progress meant mastering greater scale: wider highways, heavier aircraft, and larger chemical plants. Since that time, progress has meant the opposite, thanks principally to microelectronics, microbiotechnology, micro electro-mechanical systems (MEMS), and microstructural materials. Capabilities are becoming dispersed rather than concentrated, especially in information technology. Recast today, Stanley Kubrick's *2001: A Space Odyssey* might feature a somewhat more dim-witted version of HAL, but David Bowman, HAL's operator, would be toting one of the planet's billion palmtop computers.

The broad shift from few and complex to small and many has yet to occur in the realm of defense technology, where military equipment has continued to grow more expensive and complex, and is for that reason manufactured in diminishing quantities. Navies are built around ships; air forces around aircraft; and four of the army's five combat arms around heavy equipment (helicopters, artillery, tanks, and air-defense guns). Even today, self-described modernizers speak in terms of faster, stealthier warfighting platforms with more communications capability and less requirement for logistics. Not only is such thinking rapidly becoming inadequate, but it also overlooks the need for a comprehensive retreat from the emphasis on platforms altogether.

A ten-year rule would pull the armed services out of their doctrinal slumber and force them to search for the keys to success in the warfare of the future. This will not be easy: it requires a willingness to challenge tested methods, an eagerness to experiment, and considerable strategic creativity. It is crucial, however, because the military must prepare to face a clever opponent that has the sense to apply the technologies now within reach of just about anyone.

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What Price Preparedness?

Increasing spending on defense is an easy way to buy a degree of future preparedness without sacrificing security today.[6] However, absent any guarantees of funding at the necessary levels to do that, the question arises of whether preparing for the future is worthwhile even at the expense of present readiness. As it is, one can buy a lot of future for a little bit of the present because only a small share of the defense budget is truly oriented toward the future. Even though just over 10 percent of the Pentagon's budget goes toward R&D, the bulk of that goes toward weapons systems to be delivered within the next five to ten years. Thus, funding for long-range planning, R&D, experimentation, and general strategic education could increase several times over by reallocating perhaps 10 percent of present expenditures.

An important question, then, is what would be lost by that 10 percent reallocation. One way of gauging this is to look at the recent or likely missions of the U.S. military and estimate the consequences of abstaining from some of them. Missions involving the U.S. military fall into two categories: those undertaken for humanitarian reasons and those undertaken to deter regional bullies. As for the first, America, with all its strength, may be right to use resources to help beleaguered peoples around the world. Using military force against states that threaten no one but their own citizens, however, is not the most cost-effective way to relieve the world's misery (compared to, say, supplying cleaner drinking water), nor does it enhance the sense of security with which American parents put their children to sleep each night. Some people argue that these interventions shape the strategic environment. Yet, between operations that leave no visible gains (such as Haiti and Somalia) and those (such as Kosovo) that succeed only at the cost of straining alliances, the net beneficial effect of these discretionary deployments on the strategic position of the United States is hard to discern. This suggests that a greater degree of circumspection is in order.

Perhaps such dismissal is irrelevant if humanitarian interventions are merely a secondary or tertiary consequence—a bonus, if you will—of having the force strength to fight major theater wars (MTWs).[7] In that case, it is fair to ask how important these major operations are. The two clearest cases since the Second World War are the Persian Gulf and Korea. The elder President George Bush was right not to let Iraq's blatant aggression stand. Saddam Hussein is still capable of mischief, but even in 1990 his forces suffered an overwhelming defeat, and since then his power has declined further. It is axiomatic that the Persian Gulf is worth defending not for its democratic and

[6] Whether the current force is sustainable at today's low level of expenditures is a separate issue not addressed here.

[7] Most evidence suggests that preparing for and conducting peace operations actually detracts from the forces' capacity to prevail in MTWs.

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like-minded regimes, but for its petroleum. However, the tens of billions of dollars the United States spends to prepare for another MTW there do not necessarily constitute a cost-effective energy policy.[8] As for the Korean peninsula, while North Korea threatens (although perhaps less of late) a true friend of the United States, South Korea has twice the population and over ten times the wealth of its rival. Its high-tech military should be able to hold its own against the North, and would not necessarily need more U.S. assistance than what is already there.

Three objections to this argument must be addressed. First, since the Pentagon has problems even prosecuting small wars now, success in a major conflict would seem far from certain after a further 10 percent reduction in funding. The strain on the military, however, comes not from performing these smaller operations, but from more fundamental problems with force structure and procurement. While the armed services pay lip service to high-technology communications and intelligence-gathering capabilities, they continue to buy what they understand: fighting platforms. When carrying out an operation, however, the units and equipment that provide information support to the warfighters are routinely overtaxed. Yet budget priorities still fail to acknowledge that fact, demonstrating that the services overinvest in yesterday's forces and underinvest in tomorrow's.

Strain also comes from the imperative to avoid casualties. The U.S. Army in Bosnia has been so cautious that only one soldier has died there (clearing mines) over the last five years. During the Kosovo intervention, the air force took great pains to destroy as much of Serbia's air defenses as possible before striking ground targets. As a result, no American fliers died, even if the air campaign itself actually did little to stop ethnic cleansing. Politically, these may have been good choices. However, the more important point is that the difficulty (and expense) of mounting such moderately sized operations has no bearing on the conduct of a major war against a much larger adversary—unless the goal is to escape with almost no casualties. There is a great difference between lacking the forces to protect the nation's security (as was nearly the case for Britain in 1940) and lacking the forces to do so bloodlessly.[9]

The second objection to the change in spending priorities stems from

[8] Assume a worst-case economic consequence from a U.S. inability to fight a second MTW in the Persian Gulf: its oil is removed from world markets. If the withdrawal is sudden, the resulting recession would be deep and costly. However, if oil prices after 1985 had stayed at $70 a barrel (in today's dollars) and if, as a consequence, the ratio of U.S. gross national product to hydrocarbon use had continued to fall by 4 percent a year (as it did from 1973 to 1985), then by now the United States might have found itself able to get along without the Gulf. The net loss to the U.S. economy would have been justified at today's price ($30 per barrel), but not at the price required to get along without the Gulf (say, $70)—a sum equal to roughly 10 percent of the annual defense budget.

[9] Although that assertion may sound unduly callous, in a statistical sense the value of human lives is broadly calculable. Whether in the realm of public health, roads, or military readiness, an increase in spending can be expected to reduce the risk of fatalities. In practice, allocating funds involves the determination that at some level the monetary expense outweighs the risk.

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the inadvisability of analyzing any mission in isolation. The United States is a guarantor of world peace not because of the wars it fights, but because of those it deters. As the deployment of U.S. aircraft carrier battle groups near the Taiwan Strait during tensions with China suggests, deterrence is indeed a worthwhile justification for today's level of expenditure.[10] However, in light of likely long-term developments, American defense resources are better directed toward innovation than preservation. In fact, any power that emerges in the future and is contemplating aggression is likely to be dissuaded not by current U.S. capabilities, but by the prospect of confronting a force that has advanced still further by the time the opponent is prepared to mount a serious challenge. To be sure, NATO's victory over Yugoslavia was impressive and sent a warning not to test today's U.S. military. It also demonstrated that any opponent must at least match, if not exceed, the level of American military proficiency if it is to enjoy untrammeled freedom of action in its own sphere of interest. That Asian powers can contemplate this prospect at all is based on their fast economic growth and the possibility of exploiting information technology to leverage their power. If today's outcomes predict those ten to fifteen years hence, potential competitors already know the contest is not worth entering. If, on the other hand, today's success comes at the expense of tomorrow's, either directly (as resources are constrained by present needs) or indirectly (by reinforcing complacency), deterrence will fail. Considering, for instance, that China's goal for its forces of 2015 is to match the U.S. forces of Desert Storm, the United States has to ensure that it can defeat its former self.[11] Warfighting methods that temporarily deterred enemies in one generation could, if unevolved, fall victim to worthy opponents in the next.[12]

If today's success comes at the expense of tomorrow's, deterrence will fail.

One can only conclude that between the discretionary interventions that the United States undertakes and the relative weakness of the opponents it faces in the near term, the risks of reducing current strength by 10 percent in order to prepare for the uncertain future are quite manageable. Resources to address immediate problems exist in overabundance. If new problems arise for which the Pentagon has not prepared, it may find the money to address them, but it will come too late for deterrence.

The third objection to reallocating resources stems from the belief that

[10] There may be countries that realize their military is, overall, inferior to that of the United States, but are emboldened by a supposed advantage in niche capabilities. See, for example, Thomas J. Christensen, "Posing Problems without Catching Up: China's Rise and Challenges for U.S. Security Policy," *International Security*, Spring 2001, pp. 5–40.

[11] For instance, see Jason Glashow, "DOD Sees China Molding Doctrine Based on Gulf War," *Defense News*, Apr. 29, 1996, p. 3.

[12] Paul Bracken suggests that the United States' fixed bases in Asia face just such a risk. See *Fire in the East: The Rise of Asian Military Power and the Second Nuclear Age* (New York: HarperCollins, 1999).

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the military must be kept strong enough to protect the country from the looming threat of "catastrophic terrorism."[13] Here it is worth noting that national security is not the same as personal security: the security of the nation differs from the use of state power to save American lives. In the former case there may be no cost too high to pay, while in the latter the ability of the state to counter or mitigate terrorism against individuals is a matter of risk management. Just as a certain level of risk from disease, traffic accidents, and street crime persists, spending trillions of dollars to protect thousands of lives is not a feasible use of money.

Moreover, it is essential to gain perspective on the likelihood and nature of the threat itself, not least because no such act has taken place even in the dozen years since the Cold War ended. Still, acts of terrorism are possible and could involve (from least to most consequential) cyberterrorism, explosives, chemical weapons, biological attack, and nuclear warheads. Take each in turn. Although cyberterrorism is a popular theme in Hollywood, it is really a threat against promiscuous networking, bad software, and feckless systems administration. The means exist to defend computer systems if it becomes absolutely necessary to do so. As for conventional explosives and chemical weapons, contemporary knowledge of chemistry is not radically different from that of a hundred years ago, and the paucity of catastrophic terrorist events over the entire twentieth century suggests the limits of the danger in the twenty-first. The biological threat is real, and many awful diseases could indeed be unleashed. Nevertheless, panic may be premature. To take one example, anthrax is highly treatable if detected early, and it is also difficult to weaponize. Iraq managed to produce a wet slurry that dispersed poorly, but not the dry spores that are more easily distributed; the well-financed Aum Shinrikyo in Japan failed at either method. The real fear would be some gruesome concoction drawn out of a gene-splicing machine, but that too is a future contingency, not a present one.

That leaves nuclear weapons. A world of dozens of missile-armed nuclear states, or just a few that lack adequate command-and-control, is truly a horrific prospect. Such a world, however, does not yet exist and remains unlikely in the next ten to fifteen years. Moreover, making today's robust military larger or smaller may have little effect on the probability of proliferation. If a proliferator were a terrorist group or other subnational actor that could not be located, conventional power would be beside the point. If the proliferator could be located, the United States would not need a large force, although it *would* require considerable intelligence assets in order to destroy suspected nuclear sites if that became necessary. In addition, the U.S. nuclear arsenal would certainly give pause to any proliferator contemplating a confrontation. The only counterproliferation purpose of having a robust conven-

[13] See Ashton Carter, John Deutch, and Philip Zelikow, "Catastrophic Terrorism," *Foreign Affairs*, Nov./Dec. 1998, pp. 80–94.

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tional force, therefore, would be if U.S. policy called for conquering a proliferator rather than destroying its nuclear assets. Operation Desert Storm, for example, forced Iraq to abandon its nuclear program. That case is unlikely to become a template for future action, however, because emerging nuclear powers in the future will have learned to avoid confronting the United States until *after* they have a deployable nuclear threat. Here, too, those aspects of proliferation that could be dealt with by means of conventional military forces are more likely to be tomorrow's and not today's.

Leaping Ahead

What should the Defense Department do differently, were it to adopt a ten-year rule? Above all, it should treat the exploitation of the information revolution as a necessity and not simply as a decoration that superficially restyles existing programs (an image nicely but unintentionally captured by the army's term for its digital tactical computer: the appliqué). Converting the information revolution to a military one requires more money for R&D, especially research, since development funds tend to go toward near-term projects. It would also mean doing more fundamental engineering on the kinds of systems required to construct a coherent real-time picture of the battlespace amidst the fog of war—and survive to do so despite the real and virtual fires of conflict. Moreover, the defense establishment should particularly explore the highly mundane but critical issue of broad systems integration across the services, reified at the Pentagon as the Global Information Grid.

Making profound change requires sincere experimentation. Warfare focused on finding elusive targets does not call for tens of thousands of troops, but it does require interlinking heterogeneous sensors and weapons systems, suggesting a structure wholly different from the large, industrial militaries of the past and present. Experimentation is the only sensible way to ensure that the forces gain the necessary training. Following the December 1997 report of the National Defense Panel, experimentation has received the requisite hosannas from the services, but neither the commitment nor the authenticity of the experiments has been sufficient.[14] Units sent off to test new operational methods and systems, for instance, tend to be counted as unready for war, thus attracting opposition from those obsessed with readiness ratings. Furthermore, experimental failures are seen as tantamount to failure on the part of new systems, and therefore as a setback to the bureaucrats whose careers rely on the success of major procurements. As a result, serious experimentation, because it involves uncertain outcomes, goes begging.

[14] See National Defense Panel, *Transforming Defense: National Security in the 21st Century*, Dec. 1997 (http://www.dtic.mil/ndp/fulldoc2.pdf).

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The ten-year rule offers the perfect opportunity to revisit current acquisition plans, which are in reality expensive distractions that reinforce the services' tendency to upgrade rather than question their platform-centric orientation. Although equipment should not be allowed to deteriorate, now is hardly the time for grand recapitalization. Those who decry the detrimental effect on the defense-industrial base of more postponement need to explain the merit of purchasing warfighting equipment that will soon be obsolete. The ability to pound out platforms may be of little use in the future. Private-sector commercial work generally provides better support for most of the specialty technologies now developed and produced as the indirect result of defense work.

Acquisition should, however, accelerate in the areas of disposable sensors, hardened portable communications devices, low-cost unmanned vehicles, and precision-guided weapons. Not only do these constitute the material bases for the military of the future, but they are also the very items in short supply when modern militaries stumble into deployments that carry on longer than planned. This is the one part of the defense-industrial base whose output has to be able to rise in emergencies and whose productive capacity must be maintained.

Finally, if the Pentagon is serious about preparing for the future, it must think more deeply, more seriously, and more imaginatively about it. The danger is that obsessing over third-rate enemies will in time lead to third-rate strategy.

A Note of Caution

The worth of the ten-year rule depends on whether the motivation behind it comes from budgeteers (as was the case for interwar Britain) or warfighters (as should be the case today). To the budgeteer, a strategic pause is an excuse for doing nothing, on the theory that the fabled cloud no larger than a man's hand can be spotted in time to take shelter against the storm. Taken to extremes, this attitude runs down the military by neglecting maintenance, training, and attentiveness. It has the perverse effect of trading the medium-term (when the bills come due) for the short-term, rather than the short-term for the long-term (when the *threats* may well come due).

To the warfighter, a relief from near-term pressure should be used to contemplate the long view. It is a time not of relaxation, but of serious play undertaken by those mindful of the fact that revolutions throw everything open to question. Threats have to be judged less by the intentions of potential adversaries and more by the resources that could become military capabilities. A longer view should be adopted not in order to postpone expenditures, but to recalculate the needs of the military in another decade.

Additionally, in reorienting the U.S. military toward the future, plan-

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ners must ensure that pulling back a little bit today to concentrate on tomorrow does not mean pulling back even more tomorrow. Potential competitors will understand a ten-year rule as an attempt to "head them off at the pass." It is those outside the strategic competition, those who are less likely to have grasped the essential meaning of the RMA, that will need convincing of the strength of U.S. commitments to its friends and allies. In practical terms, therefore, the United States cannot withdraw today's forces at a rate faster than it can convince its partners—particularly in Asia—of the ten-year rule's logic. Furthermore, because the U.S. ability to operate in Asia (or elsewhere) is directly related to how well it can interoperate with local militaries and infrastructures, there are many linkages to forge and strengthen right now. This is especially true with respect to interoperability of information systems, the long-term goal of which is to foster the coevolution of U.S. systems with counterparts around the world.

The adoption of a ten-year rule recognizes the importance of planning for the future and the inevitable change to be wrought by the information revolution and the momentous rise of Asia out of poverty. The ten-year rule is designed to exploit the former and foster the latter without compromising the nation's security. The alternative—a focus only on the present—tempts clever adversaries to imagine that, when the time comes, they will have harnessed the revolutions that Americans, blithely sleepwalking, never stumbled across.

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A New International Economic Policy

by Bernard E. Munk

The principal drivers of international economic policy (IEP) in all presidential administrations have been the promotion of domestic economic welfare and the international security interests of the United States. During most of the past half-century, however, security interests took precedence as policies were crafted to promote the economic strength of America's Cold War allies, frequently by expanding their trade opportunities in a multilateral context. The size of the U.S. market gave this policy considerable leverage. International security interests were also mainstays for U.S. aid and assistance programs to many poorer countries that formed the contestable battleground of the Cold War. Indeed, during the most vigorous phase of the conflict with communism, one might have easily concluded, paraphrasing Clausewitz, that American IEP was "a mere continuation of politics by other means." The end of the conflict with communism, however, has shifted the relative importance of these two drivers of American international economic policy.

A Post–Post–Cold War Reversal of Priorities

As the threats from the communist world receded, the promotion of domestic economic welfare has tended to trump international security concerns. Today, no foreign state's economic weakness is viewed as a geopolitical threat, and economic weakness in "rogue states" may even be seen as strategically desirable. Yet even in such cases, broad-based domestic support for trade embargoes or other warlike policies is hard to sustain in the United States because it conflicts with domestic economic interests. To the extent that the trade embargo restrains the ability of Iraq to expand its oil-supply

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capabilities, for example, the embargo has promoted an outcome damaging to the American domestic economy.

Globalization has also changed how IEP is perceived by and marketed to the public. The Clinton administration came to power during a period of weakened domestic activity and made "market opening" a code word for the promotion of U.S. exports. The administration, arguing that export promotion boosted employment, used "market-opening" policies to reconcile domestic interest groups that had divergent political objectives with regard to trade policy. This was particularly true vis-à-vis Japan and China, but the administration employed a similar tactic with the European Union. Hectoring particular foreign countries to open markets tended to override a multilateral approach to free trade. Similarly, the Clinton administration invoked the growing volume of trade with China to suppress the concerns of Americans incensed by Chinese human rights practices. When market-opening measures failed, it brought to bear anti-dumping measures and other retaliatory devices. More often than not, the administration found it difficult to elicit a common policy objective for the diverse trade policies it pursued. Political winds blew in many directions, and so it crafted an international economic policy that claimed to offer something different to each domestic constituency.

The George W. Bush administration now confronts changes both in the post–Cold War strategic environment, as the "unipolar moment" seems unlikely to last, and in domestic circumstances, as U.S. growth slows. Together, these developments may limit the administration's maneuvering room. The global macroeconomy is important to the U.S. economy, even if not for strictly geopolitical reasons, because globalization and interdependence have changed the way Americans view their principal trading partners. The most obvious example is Japan: a dismal decade of slow growth has moved issues of Japanese import policies off the bargaining table and shifted U.S. concerns toward policies to get Japan growing again. Likewise, the promotion of growth in Europe (because it helps American growth) may often outweigh specific problems born of European market restrictions.

What counts now is how foreign economies influence the U.S. economy as a whole, as well as particular industries with domestic constituencies that clamor for special dispensation. As the American "Long Boom" proceeded in the 1990s, perceptions of American IEP evolved because of the issue of so-called financial contagion, which is said to grow out of the expanded financial linkage between the U.S. and foreign economies.[1] Fear of contagion has directed U.S. attention to overseas financial disruptions that could themselves become threats to American prosperity. Mexico in 1994–95 was alleged to be such a case, as was the Asian crisis of 1997–98 in its initial

[1] See, for example, Peter Schwartz, Peter Leyden, and Joel Hyatt, *The Long Boom: A Vision for the Coming Age of Prosperity* (Reading, Mass.: Perseus Books, 1999).

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stages. These instances were followed in turn by the threat of financial meltdowns in Russia, Brazil, Argentina, and, most recently, Turkey. It is worth noting that the fear of financial contagion also parallels the striking growth rate of financial services and the expansion of modern communications technology. This highlights the fact that "domestic economic welfare," as a driver of IEP, is far from monolithic. Rather, it encompasses at least two separate and sometimes conflicting factors: macroeconomic interests and the microeconomic concerns of special sectors or industries. The principal problem of the Bush administration will be how to resolve the conflicting claims of competing domestic economic interests. That is where the new economic team is likely to find that the "rubber meets the road."

The Bush Team's Agenda of Issues

By early 2001, the long American economic boom appeared to be faltering and the danger of a recession became real. That surely will have implications for the Bush administration's IEP writ large. What is more, China and Russia are once again emerging to challenge American hegemony. Post-default Russia has revitalized its finances (thanks largely to surging oil prices) and feels able to offer some resistance to American leadership. China, in turn, is an avid exporter of strategic arms and an importer of Russian naval and air force technology. Since China is also an increasingly important trade partner of the United States and far more open to foreign direct investment, the nature of China's relationship to the United States has become extremely muddled.[2] The dispute over Taiwan's status suggests that geopolitics and global economics are still linked, after all, even though the U.S. domestic economy is likely to be the paramount driver for Bush's IEP just as it was for Clinton's. All this is a preamble to the new administration's tasks of defining a suitable IEP in a world more interconnected, but still insecure, and then selling that new package to the Congress, domestic interest groups, and voters. These will not be easy tasks inasmuch as the contents of that package—Bush's issues agenda—must include coordinated policies for: (1) international financial arrangements and international assistance; (2) international commercial policy; (3) international migration policies and property rights protection; and (4) international energy and environmental policy. This paper will address only the first three.

The passing of the Cold War has unmasked some of the fault lines previously concealed by an overarching security interest and made IEP far more susceptible to domestic political considerations. As domestic interests become paramount, IEP will become inchoate unless it can be disciplined by

[2] The initial draft of this article was written before the EP-3E Aries II spy plane's emergency landing on Hainan island. The political wrangling over the incident highlights the lingering interplay between trade and security policies.

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an ideological commitment that can take the place of the fear of the communist threat. For the Bush administration, that commitment appears to be—and should be—based on devotion to the operation of free markets. A strong and consistently applied free-market focus could suffice to corral divergent domestic interests in the name of a larger national interest. The devil is in the details, however, when it comes to honoring a strong commitment to free-market solutions. The examples below serve to illustrate the potential pitfalls the new administration will face. Needless to say, surviving the first tests of political resolve will be crucial.

The "New Architecture" of International Financial Arrangements

Under Bill Clinton, there was a much-ballyhooed debate over a "new international financial architecture," although, arguably, much of this pomp was mere circumstance. After the Mexican bailout (said to be a success) came the Asian crisis (a mixed bag at best) and the Russian crisis (a clear failure). The chief villain was allegedly the very mobility of international capital that is one of the hallmarks of increased global integration. The facts, as later became apparent, actually showed that foreign capital tended to enter the beleaguered countries late and leave last. Common sense should have suggested that local investors knew more than foreigners did about the inherent financial stability of their own country. Indeed, the essential economic failures in those economies, it now appears, were rooted in inconsistent exchange rate systems (movable pegs) that distorted incentives and thus encouraged financial crises. Although the global capital market took the blame, these crises were much more the result of policy failures. Markets go up and down, but bad policies ensure that eventually the worst outcomes prevail.[3] The real need, therefore, is to develop and enhance institutions that maximize market efficiency while encouraging a suitable pricing of risk for both local and foreign investors. Policies that mask the true political and economic risk in any given economy only increase the likelihood of explosive outcomes. Market-based solutions will generally work, while bad policies almost always fail in the long term because market participants seek to exploit economic policy inconsistencies, which become more apparent with each crisis.

Markets go up and down, but bad policies ensure bad outcomes.

The Bush administration must be on guard, however, against a doctrine of "one size fits all," particularly if "size" is taken to mean pegged exchange rate systems and an International Monetary Fund (IMF) eager to restructure economies already suffering exchange rate crises. Some evidence

[3] See David F. DeRosa, *In Defense of Free Capital Markets: The Case against a New Financial Architecture* (Princeton, N.J.: Bloomberg Press, 2001).

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suggests that Bush wants to rein in the IMF's penchant for international bailouts, and if so, he will find substantial intellectual support for his argument in the March 2000 report by the International Financial Institution Advisory Commission, known as the Meltzer Commission.[4] One central point of the report is that the IMF's policies often lead to the very results they wish to avoid. For example, the fund's frequent intervention tends to make short-term private lending seem more secure than it is. Worse still, markets have come to count on IMF bailouts in the event of trouble. Thus, if the Bush administration wants to realize the goal of fundamental reform, it will have to devote a great deal of time and energy to the task, which entails nothing less than a redefinition of what the IMF and the World Bank can and should do.

A key test for any new approach to international financial architecture will be Japan. The early statements made by Bush administration economic policy expert Larry Lindsey suggest that *gaiatsu* will now play a minimal role in policy discussions between the United States and Japan.[5] Japan's current economic crisis can only be settled by a strong government in Tokyo held fully accountable by its own voters.[6] For many years, Japan's economic success made it possible for its politicians to conceal growing problems from the voters, and they had every interest in doing so since in democratic societies voters tend to punish the messenger rather than the policymaker. Accordingly, for much of the past decade Japanese officials hid behind currency issues, often seeking "international cooperation" arrangements that ran counter to free-market outcomes. More than once, they dragooned Washington into supporting arrangements that diverted attention from such issues as the huge volume of nonperforming loans on the books of Japanese commercial banks and the inability to clear the market of real estate tied to such loans. Officials also used exchange rate concerns to excuse an insufficiently expansive monetary policy. Japan's fundamental problem is its macroeconomic policies, not its exchange rate. The dollar-yen rate, which has deteriorated sharply in the past few months, is only a manifestation of underlying economic weakness in Japan.

Special interests will undoubtedly complain to the Bush administration that a weak yen unfairly promotes Japanese exports. Bush should respond that cheap Japanese imports may be a problem for some U.S. producers, but they are a boon to U.S. consumers. Similarly, other Asian

[4] The commission's chairman was Allan H. Meltzer. The report is available online (http://www.econ.lsa.umich.edu/~alandear/topics/meltzer.html).

[5] The literal translation of the term is "foreign advice," but it often signifies the foreign pressure that comes with such advice.

[6] Compare the remarks of senior officials of the Bank of Japan that announced an important policy shift on Mar. 19, 2001. "The Bank of Japan strongly hopes that decisive actions be taken to address fundamental problems both with a clear support of the nation for structural reform and under *a strong leadership of the government of Japan*" (emphasis added). See "New Procedures for Money Market Operations and Monetary Easing," Bank of Japan (http://www.boj.or.jp/en/). For further analysis, see also "A Revolution in Japanese Monetary Policy?" *Ecomentary*, Munk Advisory Services, Mar. 20, 2001 (http://www.ecomentary.com).

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competitors of Japan may also complain to the administration. China may threaten to devalue the renminbi, as it allegedly did when Clinton visited China in 1998 during the last Japanese exchange rate "crisis." It would be a mistake to focus on exchange rates. Bush must instead focus on the policies that caused a weak Japanese domestic economy in the first place. Having forsworn *gaiatsu*, U.S. policymakers ought to be strongly supportive of political forces in Japan that have the resolve to pursue fundamental economic reform and monetary expansion. The problems in Japan are truly serious. The United States may have to be patient while Japanese voters confront their politicians over the economy's miserable economic performance in the 1990s. It is time to support true reform and avoid meaningless palliatives. An economically healthy Japan is in the long-term interest of the United States.

In similar fashion, the weakness of the euro has perturbed U.S. relations with the European Union. At the Group of Seven (G-7) meetings in Palermo in February 2001, a brouhaha erupted over whether the U.S. Treasury still had a "strong dollar policy." This only illustrates the pitfalls of the hortatory approach to which the Clinton administration was addicted and to which market participants have become unduly devoted. Paul H. O'Neill, the new secretary of the treasury, was criticized in Palermo for an apparent "lapse" from the previous "strong dollar policy" of his predecessors Robert Rubin and Lawrence Summers.[7] What Europeans may have missed is that the Bush administration does not aim for some target exchange rate between the dollar and the euro any more than between the dollar and yen. Rather, Bush officials are much more disposed to letting markets determine exchange rates, and rightly uncomfortable with U.S. involvement in currency intervention by foreign governments, except perhaps under the most extreme (and unstated) circumstances.

To be sure, Washington cannot compel another sovereign state to leave its currency alone vis-à-vis the dollar, but a firm U.S. statement that it will not participate in such interventions sends a strong signal on behalf of market solutions. Furthermore, O'Neill and Lindsey ought to avoid endorsing the notion of exchange rate bands. This disturbs certain policy wonks in Europe as well as those inside the Beltway who apparently fear that free capital markets will become unstable, if not run amok. The Bush advisers believe that the instability stems largely from the policy side, and that stable policy, not spasmodic intervention, is preferable and more effective. Getting rid of policy-induced instability requires telling markets that the United States intends to shun currency interventionism and condemns "beggar thy neighbor" policies that arise from explicit measures to depreciate or appreciate a

[7] See Alan Friedman, "Bush's Aide's Stand Takes Europeans by Surprise," *International Herald Tribune*, Feb. 17, 2001. "'Obviously we will have to educate these guys, first on what you do and second on what you say,' said a German official, speaking on condition that he not be named."

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country's currency in order to frustrate foreign capital flows or rectify internal macroeconomic imbalances.

Unfortunately, the United States is now facing efforts from the euro bloc that parallel previous policy mistakes by Japan. Ill-judged domestic monetary policies are causing an unnecessary depreciation of the euro to which the Europeans have responded by seeking trilateral exchange rate understandings with the United States and Japan. This represents a serious threat to market-driven determination of exchange rates. The Bush administration should not only turn a deaf ear to these invitations, but also offer vigorous alternatives for internal macroeconomic policies that would stimulate growth in Europe. What is more, the administration should be focused on the U.S. economy and not on the exchange value of the dollar. In the unhappy event that the economy goes into recession, the dollar may fall—and rightly so. If it does, it should not be because of exchange rate intervention or administration jawboning in order to deflate a "dollar bubble," but because foreign investors see less promise in the U.S. economy than elsewhere. A decline in the dollar may indeed be the best test of the devotion of this administration to market principles. The foreign exchange markets are watching.

Concurrent with a market-based view of exchange rate determination should be a greater tolerance for alternative monetary arrangements in many emerging markets. Frequently, these countries experience great difficulty in achieving domestic monetary stability. In particular, this may mean a willingness to go along with some countries' adopting currency board arrangements that use the U.S. dollar as a monetary base with a guarantee of full convertibility at a fixed exchange rate. If foreign governments are willing to give up their seignorage rights, policymakers in Washington should have no real objection. The plight of Indonesia serves as a vivid example of what can go wrong in a clash of wills over alternative monetary arrangements. The IMF (with clear U.S. support) pilloried Indonesian efforts to move to a currency board in early 1998, partly on the grounds that it would offer an escape mechanism for Indonesian asset holders to convert rupiah into dollars and flee the country at foreign lenders' expense. This was part of the IMF distaste for the "crony capitalism" so redolent there. As it turned out, monetary instability bent the Indonesian economy into a pretzel. Was a "doctrine of fairness" such as this really superior to a currency board? Indonesia is now much poorer as a result of zealous efforts to prevent some Indonesian asset holders from exiting their own weak currency.

If the Bush view is taken at full faith, then domestic monetary stability and the orderly administration of property rights are fundamental to a healthy, free-enterprise economy. The cost of domestic monetary instability, particularly for the poor, is monumental. Moreover, monetary instability itself affects property rights, since severe currency depreciation caused by rampant inflation effectively deprives people of their assets. This was true in Mexico

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during its bailout in 1994–95, and it was true in Indonesia. Impoverishing an economy will certainly dent the net wealth of important asset holders. Ultimately, however, the rich will have something left because they have the most assets to protect and access to other means for protecting them. It is the poor who are left jobless as debt burdens grow under massive currency depreciation and firms cut payrolls to survive. That is not a recipe for democracy, and the Bush administration ought to subject the reigning "doctrine of fairness" to the strictest scrutiny.

The IMF is itself in a quandary over this issue. First Deputy Managing Director Stanley Fischer has expressed doubts as to whether a middle solution between the extremes of a hard peg and a floating currency can exist as a long-term solution.[8] One suspects a new view is emerging at the IMF that is actually more consistent with what the Bush administration is likely to advocate, namely, so-called corner solutions: hard pegs or true floating exchange rates. The middle solution—movable pegs—has been found wanting because of the inconsistency of internal financial policies and the maintenance of the then-current peg. That inconsistency often leads to an exchange rate crisis that forces the peg to be moved. The Bush administration would do well to push further along the path toward either true floating rates or, where circumstances permit, currency boards.

Exacerbating poverty is not a recipe for democracy.

The recent financial upset in Turkey may also signal the end of the Clintonian search for a new financial architecture. It is increasingly evident to all but the most doctrinaire interventionists that any "negotiated" solution that is not rooted in consistent internal policy prescriptions will fail. That means, as the Meltzer report concluded, that the continued cycle of IMF repair followed by further crisis down the road must end. The Bush administration's proposals are not yet clear, but the time has come to redefine the IMF's mission and the means to attain it.

International financial arrangements have shifted drastically since the 1944 Bretton Woods accords established the IMF and World Bank, and the missions of both institutions have changed as well. They were founded at a time when war had violently reduced world trade, and capital movements were insufficient to finance the postwar recovery of international trade. There may have been some logic at the time to providing short-term financing of imbalances in payments or trade. That initial "solution," however, is simply obsolete in a world where governments shoulder responsibility for full employment and growth and where international capital markets determine the balance of payments and currency rates. In fact, the most trenchant criticism of the IMF in the Meltzer report was that "most crises in the past

[8] Stanley Fischer, "Exchange Rate Regimes: Is the Bipolar View Correct?" address delivered to the American Economic Association, New Orleans, Jan. 6, 2001 (http://www.imf.org/external/np/speeches/2001/010601a.htm).

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quarter century involved not too little lending, but too much."[9] Hence, either the fund's members will have to endow it with ever larger sums in order to offset ever larger private capital movements responding to inconsistent domestic policies, or else the IMF's fundamental mission and operational guidelines must change. Markets have learned from the institution's interventions that a fire brings out the fireman, each time with an engine bigger than the last. That only makes crises more likely, even if their timing and location still remain highly uncertain.

If the IMF needs restructuring, then the World Bank must be changed as well. The World Bank's lending history shows that countries learn to behave (or misbehave) in accordance with the predictable behavior of their would-be rescuers. That should not surprise any economist, but it has to disappoint those who believe that these "beneficent" organizations must grow at all costs. What needs to be redefined is the "good" we seek to promote through a multilateral institution. Any performance standard for the World Bank should take into account how well countries actually institutionalize sound economic practices. The World Bank needs to stop rewarding failure by recipient countries with further loans to finance their continued malfeasance or folly.

International Commercial Policy

The generic problem for the Bush administration's IEP is how to reconcile the Clinton legacy of regionally focused trade arrangements with the call for multilateral commercial policies. During the 2000 presidential campaign, the Bush team's policy statements recognized this conflict, but what remains unclear is how these two orientations can be folded into a consistent policy. The way out may be to rely once again on free trade and market-based solutions rather than the mutual exchange of economic hostages that goes by the name of "fair trade." That is not an easy sell politically. Trade policy has unfortunately turned into a bargaining format in which one must offer concessions in order to obtain concessions, and the United States has a long history of catering to politically important protectionist interests in carrying out that bargaining. Weaning American industry and labor away from such a diet will be a true test of Bush's ideological and political mettle.

In its budget outline, the Bush administration signaled that it was willing to curb spending by the Export-Import Bank, setting off a political firestorm that is instructive. Despite the objections from some politically influential quarters, there is no economically sound justification for government to provide this credit when the private market can produce equally effective credit in abundance. It is only a question of social cost. For years, taxpayer money has subsidized export-credit financing, often on the grounds

[9] Meltzer Commission report, executive summary.

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that European and Japanese competitors obtain similar benefits from their governments. But if it is only the subsidy that makes an American firm competitive, then the hidden economic cost of the subsidy needs to surface. In truth, those who tend to reap the greatest benefits of these policies are often the largest political donors. A similar attempt to restrict funding for the Overseas Private Investment Corporation, which provides political risk insurance, has also drawn fire. These are examples of corporate welfare that a market-oriented administration should not pursue. A third example stems from reports that the new U.S. trade representative, Robert Zoellick, is willing to provide special benefits to American steel producers in exchange for a "rationalization" program to cure their chronic overcapacity. Considering that the American steel industry has demanded protection for more than three decades, it would seem that a lack of competitiveness lies at the root of the overcapacity issue. Will its "excess capacity" be protected if its complaints are loud enough? If so, then the administration will open the door to a plethora of special interests in many different sectors demanding similar relief, and thereby make a mockery of its vision of expanded free trade.

Bush administration policy statements appear to be grounded in a fierce commitment to free-market solutions, limited government, and a deep respect for national sovereignty. The fulcrum upon which the Bush IEP teeters, however, is the performance of the U.S. domestic economy. Should it continue to sputter as it now seems to be doing, policy attention will be diverted from the international to the domestic arena, and special interests seeking indulgences will find Congress receptive. Perhaps, through a combination of aggressive monetary policy and supply-side-directed tax cuts, the U.S. growth engine can restart by the second half of 2001. If so, Bush may achieve traction next year and avoid a protectionist detour. In the meantime, his market-oriented principles will face severe challenges.

American commercial policy over the past decade has moved from a multilateral to a regional focus with regard to reducing tariff and nontariff barriers. The North American Free Trade Agreement (NAFTA) was clearly a response to the final stages of European Union consolidation and has been largely a success, at least as judged by the growth in trade volume. Most lay observers forget that NAFTA is in essence a preferential arrangement and that much of its political appeal came as a response to a perceived threat to trade volumes from the European Union. Ongoing regional efforts in Europe, the Americas, and East Asia have all sidetracked the multilateral approach to reducing trade barriers. The regional arrangements are attractive because the lists of concessions obtained for concessions granted are written in black and white, unlike the "invisible" gains promised by global agreements. Thus, the president's loss of fast-track authority in a multilateral context may be another victim of the end of the Cold War, because the implicit replacement of domestic production by cheaper imports must cause, by definition, some dislocation at home. Without the shield of an external communist threat, the

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White House must rely on a painful process of educating consumers to show them how they are better off as free trade expands. When there is dislocation, the issue of "fair trade" comes to the fore. It is a bogeyman. Although the code word "fair trade" appeared in the Bush campaign platform, it was mitigated, one hopes, both by being placed far down on the issue agenda and by a change in phrasing: "As President, Governor Bush will work to expand free trade through market-opening initiatives, and he will work to enforce fair trade rules. Governor Bush believes that Americans can compete with anyone if the rules are fair."[10]

A strong and continuing commitment to free trade will place the Bush administration squarely athwart traditional congressional logrolling and transcend the clash of special interests. The solution is to invoke the logic of free trade as a device to discipline those who seek subsidies, anti-dumping measures, and special nontariff barriers such as the sugar quota. The list of such interests is endless because of the financing requirements of democratic politics: all contribute, all lobby. If the Bush administration is serious about moving to reform the tax code and the international finance system by a return to truly free markets, it has little to lose by sticking with multilateral free trade as well, thereby shunning the bottomless pit of protectionist special interests. All interests are special, above all the American national interest.

All interests are special, above all the American national interest.

The series of financial crises experienced in the 1990s highlighted the growing importance of capital movements in the emerging global economy. Financial capital, however, is not the only kind whose movement challenges national borders. Human capital also crosses borders, in the form of immigration and intellectual property that transfers among users with or without compensation. Both forms of human capital movement have legal and illegal aspects, but each is responsive to economic incentives. This means that public policy has both the responsibility and the capability to influence the outcomes. It also means that when these movements occur, there are winners and losers. How a nation responds to these opportunities or threats has important implications.

The crux of the problem in both areas is to limit the damage to existing stakeholders while at the same time ensuring that legitimate "human claims" are not ignored.[11] What should be American policy with regard to enforcing its own immigration laws or protecting intellectual property in the

[10] "Governor Bush's Trade Priorities," George W. Bush for President Official Site (http://www.georgewbush.com/issues/internationaltrade.html).

[11] Political asylum is well recognized as a legitimate human need or aspiration, as is the wish to be reunited with one's family. These claims have steadily expanded in the same way that the promotion of human rights is now taken to be a legitimate goal of foreign policy. Will claims come to include, for example, the right to earn a fair wage or practice one's profession freely? The question of where to draw the line or enforce the "border" remains unresolved.

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fields of technology or pharmacology? To ignore suffering that could be alleviated by reasonable prices of drugs, for example, will only stoke the fires of those opposing globalism. At the same time, to ignore the claims of the owners of intellectual property would be to stifle the incentives that lead to innovation. The information revolution links human striving and creativity on a worldwide basis by allowing information to be disseminated very cheaply. The low cost of communication, however, does not mean that the content was inexpensive to produce or that the inventors or discoverers should be made into unwilling or uncompensated donors to the common good.

The recent developments in South Africa concerning the sale of advanced drugs for the combat of AIDS at substantially lower prices than those in developed countries is a significant event for the evolution of policies on intellectual property rights protection. The South African case is unusual because that nation has always recognized international patent rights. The price structure of drugs that make up the "AIDS cocktail" was fractured by the offer from an Indian generic drug manufacturer (CIPLA) to undercut the prevailing prices of American manufacturers by a large margin. The South African government's past policy of protecting intellectual property was sorely tested, and the U.S. manufacturers sharply reduced their prices so as not to be undersold. The problem, however, only highlights the absence of patent protection for drugs in India. Since drug discovery and testing are costly processes, the Bush administration needs to develop policies that protect patent rights while being mindful of the ethical implications that can result from "pricing out" needy recipients.

Because policy in this area is still rudimentary, it is wide open to creative thinking. One example of how firms have treated the problem involves Microsoft's Windows operating system, which circulates widely in China, although the company's minor revenue from royalties there might indicate otherwise. In spite of efforts by the company, the Chinese government has done little to enforce the company's claims. The Internet has only aggravated the problem since the transmission of program code is essentially unstoppable. In the United States, part of the solution has come from the business community's recognition that service and support are as essential as the software itself. Most firms want access to that capability and are therefore willing to pay some "reasonable" site license fee for software. It may be that a similar solution will evolve in some areas of pharmacology because the integration of drug use and program evaluations will require much of the inventor's own data. Profits may fall for U.S. drug companies that cut their prices, but they could also rise from sales to developing countries that have low incomes and poor medical systems. This depends upon demand elasticities and the ability to restrict the flow of cheaper drugs back to the higher-priced markets. The real problems are likely to come if and when a "gray" market for these drugs develops in the higher-income countries. Again, the software solution could prevail if follow-up service adds enough value or is

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really essential to the overall health program. One possible solution is for the Bush administration to open a dialogue with developing countries offering to trade some patent protection for limited but dependable enforcement. Another tactic would be to "expand the chessboard" by linking greater access to the U.S. market for agricultural or fiber imports to the acceptance by developing countries of a limited form of enforceable patent rights.

As for the immigration issue, people will continue to move so long as there is a large disparity in wage levels across countries and increasing availability of technical education in foreign countries. This raises substantial issues for countries that lose human capital to the high-income U.S. economy. Similarly, as the United States hollows out its traditional industrial economy, the growth in service jobs is a powerful draw for immigrants willing to work in the informal economy. The issue is whether—and how effectively—the United States will enforce its own immigration laws. This is a truly gray area in IEP. Given how much more important human capital has become in the modern economy, it is likely that this decade will be one of rapidly growing human capital movement. Forging successful policy in this arena will require ideas, ideals, and some deliberate risk taking.

It is important to note that the influx of labor from abroad has undoubtedly lengthened and amplified America's long economic boom. The United States has been gaining population and enlarging its skilled and unskilled workforce. Somewhat counterintuitively, the unemployment rate has gone down due to the pace of job creation, a result not lost on other countries whose shrinking populations imperil their respective welfare and pension systems. Some of these countries long to employ a strategy of allowing immigration of suitably skilled people from a number of labor-exporting countries, but racial and cultural impediments have so far made these choices politically difficult. In this regard, Germany is a useful example. Despite the cultural barriers to immigration, many workers from Turkey and Eastern Europe are settling in Germany, and the German government has been trying to attract highly skilled technology workers from other parts of the world. However, issues of citizenship remain unresolved. In the end, economics is likely to trump culture. What is at stake in the case of both immigration and the transfer of intellectual property is a question of legal and social contracts. The problems presented by these aspects of human capital movements are exceedingly difficult to resolve, but they are likely to become some of the more crucial ones of the decade.

An IEP Menu for Bush

The new administration has a full plate of challenges laid out before it. Let us hope it has a good appetite. In the area of international financial architecture, the Bush economic team should strive to: (1) let market forces

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determine exchange rates; (2) help other countries promote domestic monetary and fiscal stability; (3) encourage hard pegs (currency boards) as well as truly floating currency arrangements; and (4) redefine the ends and means of the IMF and World Bank by restricting the IMF's mission to limited short-term financing and obliging the World Bank to reward successful implementation of sound policy in recipient countries.

With regard to international commercial policies, the Bush team should: (1) make free trade its mantra to enforce domestic political discipline and bury the "fair trade" and "market opening" rhetoric that is often nothing but a fig leaf for protectionism; (2) promote regional trade agreements such as NAFTA, but in tandem with a bolder, multilateral focus that applies globally; (3) lobby Congress hard for fast-track authority but, if that fails, continue to seek multilateral reduction in tariffs and nontariff barriers; and (4) reject the temptation to invoke anti-dumping policies and instead allow domestic market adjustments to occur, with suitable attention to worker retraining and relocation where possible.

Finally, with regard to international movements of people and property, the Bush administration must: (1) put the most inventive minds in and out of government to work to redraft U.S. immigration laws that are both salutary and enforceable; and (2) experiment with creative negotiating strategies to maximize property rights protection in emerging markets, without which economic development is greatly retarded. This is a daunting agenda for the new administration, but success will reward both the American national security interest and the domestic economy.

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Island in Limbo

The Case against Puerto Rican Statehood

by Alvin Z. Rubinstein

What does Puerto Rico mean to the United States? Strategically, this largest and most populous of a cluster of five Caribbean islands located between the Dominican Republic and the Virgin Islands commands the Mona Passage, a key shipping lane to the Panama Canal, and its capital, San Juan, includes the finest natural harbor in the area.[1] Economically, U.S. corporate giants such as General Electric, Johnson and Johnson, Abbott Laboratories, and numerous textile firms have benefited materially from investment credits and federal tax exemptions for locating factories there. That industrial investment, in turn, has brought to the island's nearly four million inhabitants one of the highest standards of living in the Caribbean, and indeed, all of Latin America. However, in August 1996, President Clinton and the Congress ended the special tax breaks, in part at the urging of Puerto Rican governor Pedro Rosselló, an advocate of statehood, who found that the issue of tax breaks had become "a political football in the vote on the island in 1993 on its status, a plebiscite narrowly won by the pro-commonwealth advocates."[2] Demographically, a high birth rate and the prospect of better economic opportunities have prompted the migration of almost three million Puerto Ricans to the mainland—primarily to New York, California, Florida, Texas, and Connecticut. As American citizens since 1917, Puerto Ricans have political and civic advantages not available to foreign immigrants. Nonetheless, they have been slower to assimilate into American society than any other Spanish-speaking immigrant group, and their ambivalence toward full "Americanization" sets Puerto Rico apart as a unique

[1] Central Intelligence Agency, *The World Factbook 1995* (Washington, D.C.: Central Intelligence Agency, 1995), pp. 345–46.

[2] Doreen A. Hemlock, "Puerto Rico Loses Its Edge," *New York Times*, Sept. 21, 1996.

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domestic and foreign policy problem. The resolution—or elimination—of that problem could have enormous implications for the future of the United States.

Before turning to an assessment of the United States' Puerto Rican problem, the failed efforts that have been made to resolve it, and the dilemmas facing American leaders, three disparate items bearing on Puerto Rico's situation should be mentioned. The first is the interface between pardoning convicted terrorists and playing local politics. On August 11, 1999, President Clinton offered clemency to sixteen Puerto Rican militants of the outlawed Armed Forces for National Liberation (Fuerzas Armadas Liberacion Nacional Puertoriqueña—FALN) imprisoned for more than a hundred bombings in the 1970s and early 1980s. Three months later, a report issued by House Republicans (a partisan group, to be sure) stated that on March 6, 1999, Jeffrey L. Farrow, co-chairman of the White House interagency group on Puerto Rico, had circulated an e-mail urging clemency as a way of providing political support for some Democratic members of Congress, and, incidentally, for Vice President Al Gore.[3] President Clinton, when pressed to explain the basis for his decision, declined to comment.

Secondly, there is the conflict between the needs of the U.S. military and the seemingly nationalist sentiments of the islanders. The catalyst for this controversy has been the tiny island of Vieques, lying six miles off Puerto Rico's east coast. Since World War II, about half of the island has been used by the U.S. Navy as a bombing range and training area for landing exercises. The approximately 9,300 residents of Vieques have long complained about the noise, environmental destruction, and health hazards, but when a Puerto Rican civilian guard was accidentally killed during a bombing exercise in April 1999, the ensuing outcry caught the White House and Pentagon by surprise. After nine months of deadlocked negotiations, the White House offered a compromise to Governor Rosselló, who had insisted that he would "negotiate only with the president and his senior aides . . . not with the Navy."[4] Under the terms of the agreement, the residents of Vieques were to decide in a referendum (scheduled for November 6, 2001) whether to permit the navy continued use of the island as a bombing and combat training area or to request its withdrawal by 2003. In the meantime, the navy was allowed to resume limited training with inert ammunition. In addition, President Clinton offered $40 million in aid to encourage job creation and development, with an additional $50 million in aid contingent on a referendum favorable to the navy.[5] In a gesture of goodwill, the navy turned over 110

[3] Neil A. Lewis, "Report by House Republicans Says Clemency for Puerto Ricans Was Campaign Move," *New York Times*, Nov. 9, 1999.

[4] Elizabeth Becker, "No Accord on Island Bombing As Administration and Puerto Rico Point Fingers," *New York Times*, Dec. 11, 1999.

[5] Elizabeth Becker, "Puerto Rico Allows Navy to Resume Some Use of Base," *New York Times*, Feb. 1, 2000.

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acres of land to local control for extending the airport on Vieques, hoping thereby to reduce the level of opposition.[6]

Some senators and military officials warn that if the navy loses access to Vieques, it might no longer need the major military installation on the main island. Thousands of Puerto Ricans could lose their jobs. During congressional hearings held in September 1999, top military officials emphasized the unique training environment provided by Vieques. Vice Admiral William J. Fallon, commander of the U.S. Second Fleet, noted:

> There is air-to-ground weapons delivery in a tactically realistic environment at altitudes that are required to survive in combat today. . . . The second thing is the requirement to do surface fire support. That is to fire the 5-inch guns from our destroyers and cruisers, guns that are designed and then placed on those ships to support Marines and soldiers ashore. That is the only purpose really to which those guns are used today. And that training is only available on the East Coast of the United States at Vieques. The third thing and probably the most important is the opportunity to put together the entire battlegroup, the entire supporting arms coordination effort to bring to bear the combined arms effect of all of these systems at the same time in an environment in which people have to survive. That is not possible at other locations.[7]

Whatever the continuing military importance of Vieques, the issue is likely to be determined by political considerations. Under the Clinton administration, the general attitude seemed to be that Vieques was not worth the political fallout, and that the challenge was to find a happy medium between the disaster of the Philippine base negotiations and the territorial redress being pressed by the Okinawans. President George W. Bush has not yet taken a position on the issue. However, the new governor of Puerto Rico, Sila M. Calderon of the pro-commonwealth Popular Democratic Party (PDP), strongly supports an end to the navy's use of the island for fleet exercises and cites preliminary medical findings that link intense bombing and gunfire over the years to the high incidence of heart problems among the island's residents.

The final item on the immediate agenda is the U.S. census for the year 2000. In a mind-boggling, bureaucratic, and politically driven effort at "politically correct" inclusiveness, the Bureau of the Census produced a questionnaire that any racist could claim with pride. The questionnaire identified sixty-three racial categories and offered choices that had no objective biological or scientific validity and were as inherently divisive as they were offensive. On top of this, all citizens were asked to indicate whether they were Hispanic or non-Hispanic. This linguistic-cultural grouping was singled

[6] "Solution on Vieques Takes a Step Forward," *New York Times*, Feb. 29, 2000.

[7] Hearings before the House Military Readiness Subcommittee on Armed Forces, 106th Cong., 1st sess., Sept. 22, 1999, p. 43.

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out for reasons stemming from a combination of affirmative action policies, vested interests, and electoral politics. In fact, the term *Hispanic* has become an instrument of political combat, a means of conflating or obliterating distinctive ethnic groups (Mexicans, Cubans, Brazilians, and so on) to promote a political agenda. The convergence of such items puts the spotlight on the United States' Puerto Rican dilemma.

The Problem—and the Danger

Puerto Ricans have bluntly challenged mainland Americans to decide on the nature of the multiculturalism they purport to embrace, and the island's current status needs to be considered in the broader context of the problem now afflicting multilingual societies elsewhere. Based on the positions taken by its leaders and inhabitants, the admission of Puerto Rico as a state would require that Spanish be granted the same status as English throughout the United States. As far back as 1991, Puerto Rico's legislature overwhelmingly approved a bill that made Spanish the island's single official language, thereby revoking the Official Languages Act of 1902, which designated both English and Spanish as the languages of government. Upon passage of the 1991 law, Governor Rafael Hernández Colón acknowledged that making Spanish the official language constituted a serious impediment to statehood—which was fine with him, since he opposed statehood and advocated continuing Puerto Rico's commonwealth relationship with the United States.[8]

The danger is clear: the admission of Puerto Rico as a state would make Spanish coequal with English as the language of the United States and give rise to political tensions that could threaten the stability of the federal union. A United States whose constituent states no longer shared a common language could not absorb and integrate—that is, Americanize—new waves of diverse immigrants as it has done successfully in the past. An already multiracial, multiethnic, multireligious, and multicultural society would struggle to remain democratic, open, and cohesive if it were divided by language, the most insurmountable of all barriers to human community.

Ethnicity has always been a catalyst for conflict. Historically, ethnic coexistence flourished in times and places where a vigorous imperial state had the strength to restrain the divisive impulses of its subjects, such as the early Arab, Ottoman Turkish, Austro-Hungarian, and Russian/Soviet empires. Race, religion, culture, and language can all be sources of ethnic distinction, and expressions of separatism and conflict often reflect the aggravating presence of more than one factor, as in the various republics of the former

[8] Manny Suarez, "RHC: As Bilingual Nation U.S. Mirrors Puerto Rico," *San Juan Star*, Sept. 13, 1992.

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Yugoslavia. But language may be the most significant solvent of ethnic harmony, as has been demonstrated by the Sinhalese-Tamil conflict in Sri Lanka, the Kurdish strife that besets Turkey, Iraq, and Iran, and the opting for independence of the fourteen non-Russian republics of the former Soviet Union.

In the age of empires, ruling elites relied on power to maintain control and institutionalize legitimacy, but they also imposed their language on governmental activities and the economy. For subject peoples, and especially minorities, the key to mobility was mastery of the language of the rulers. By coopting members from different ethnic groups who embraced the language of the empire, those in power fostered coexistence and allowed minorities to prosper, thereby ensuring stability. A common language is the cement of ethnic coexistence, as the postcolonial histories of India, Pakistan, Nigeria, and Kenya demonstrate. In those multiethnic nation-states, English still serves as the official language, fostering domestic cohesion and serving as a bridge across a linguistic chasm that might otherwise divide polyglot populations.

The United States has been extraordinarily successful in absorbing successive groups of ethnolinguistically diverse people. All immigrants eventually assimilated, notwithstanding the persistence of racial problems. But until now, no group ever challenged the implicit social contract, namely, the understanding that with Americanization came an obligation to learn and use English, and to see that one's children did, too.

Americanization used to imply an obligation to learn English.

To his credit, Governor Hernández Colón addressed the language issue openly and honestly, in studied contrast to certain members of the U.S. Congress and leading politicians in both the Democratic and Republican Parties. In 1990, he wrote:

> Another set of problems with statehood [is] cultural and linguistic. Puerto Rico's language is Spanish; 60 percent of all the people do not speak English at all. If Puerto Rico became a state, bilingualism would, in effect, become official U.S. policy. Culturally, making Puerto Rico a state is the same as making Costa Rica, Honduras, or the Dominican Republic [a state]. Puerto Ricans, including those advocating statehood, consider themselves a people with a strong national identity. A recent poll showed that 91 percent of the people think of themselves as Puerto Ricans first and Americans second.[9]

Let it be clear that this essay is not about the migration into the United States of "Hispanics"—itself a term coined in the late 1960s and early 1970s by those seeking to help various Spanish-speaking groups to obtain a fairer proportion of government subventions and preferences. Before that, in discussions of immigration, one referred to Mexicans, Cubans, Dominicans, Nicaraguans, and Puerto Ricans. Each was separate and distinctive. With

[9] Rafael Hernández Colón, "Statehood for Puerto Rico," *New York Times*, Feb. 26, 1990.

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entitlements, "assimilation gave way to affirmative action," and nowhere more prominently in the "Hispanic community" than among the Puerto Ricans.[10]

Puerto Rico is a special problem because its quasi-colonial relationship with the United States heightens political volatility. Puerto Ricans are already U.S. citizens, but their political status as a *community* is anomalous, if not anachronistic. In a world where political trends lean toward ethnic self-determination and independence, Puerto Ricans seem uninterested in that prospect, and the Independence Party of Puerto Rico typically receives no more than 5 or 6 percent of the vote in elections on the island.

Historical Dimensions

After almost four centuries under Spanish rule, Puerto Rico became an American possession in 1898, when Spain, defeated in the Spanish-American War, was forced to relinquish the last of its footholds in the Americas. Though generally committed to the democratic development of the island, Congress had no clear idea at the time what it wanted to do with the roughly one million people who lived there. From the very beginning, it "carefully avoided designating Puerto Rico a territory, for in the past territorial status had been a prelude to statehood, a destiny that seemed inappropriate for the island."[11]

With the coming of the Great Depression in the 1930s, two contradictory developments complicated the political attitudes of Puerto Rico's elites. On the one hand, federal aid and welfare programs became crucial to the island's economy and deepened its dependency on the United States. On the other hand, a growing nationalism moved the populace to militate for greater autonomy, albeit with safeguards that would cushion the economy. However, from the 1940s on, under the leadership of Luis Muñoz Marín, the then-dominant PDP pushed an extensive program of industrialization and social development that resulted in a dramatic improvement in the standard of living (aided, to be sure, by the emigration of a million Puerto Ricans to the mainland). In 1952, Congress sanctioned a major step toward full self-rule by recognizing a constitution adopted by Puerto Rico's legislature that proclaimed the island a commonwealth operating under a popularly elected governor and legislature. But that did not silence the calls alternately for Puerto Rican statehood and independence. Still, in the last plebiscite sanctioned by Congress and recognized as binding on the United States, which was held July 23, 1967, 60 percent of the population voted in favor of

[10] Linda Chavez, *Out of the Barrio: Towards a New Politics of Hispanic Assimilation* (New York: Basic Books, 1991), pp. 5, 117, 155–57.

[11] Henry Wells, *The Modernization of Puerto Rico* (Cambridge, Mass.: Harvard University Press, 1969), p. 84.

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retaining commonwealth status, 39 percent voted for statehood, and *independentistas* (who boycotted the ballot) received less than 1 percent.

Referendum Redux

For more than two decades, Puerto Rico's status was considered settled by the 1967 referendum. But in early 1989, Governor Hernández Colón revived the issue in an effort to enhance his political power. The social-democratic welfare state that had assured the PDP's dominance for most of the previous half-century was running out of money. The pressure on the island's budget was growing despite heavy federal subsidies, tax breaks for corporations and individuals, and privileged access to the mainland markets. Newly reelected by a narrow margin, the PDP, which had originally proposed and long championed the commonwealth arrangement, unexpectedly called for a new "self-executing" referendum, reopening all the options. Hernández Colón believed that his party would benefit merely by virtue of having initiated the process that produced the outcome. For their part, the other two Puerto Rican political parties—the pro-statehood New Progressive Party (NPP) of Carlos Romero Barceló, and the Independence Party of Rubén Berríos Martínez—quickly backed the PDP's proposal, seeing an opportunity to push their respective agendas.

In the U.S. Congress, some politicians hopped on the referendum bandwagon. In April 1989, Senators J. Bennett Johnston (D-La.) and James A. McClure (R-Idaho) proposed Senate Bill 712, which accepted a Puerto Rican referendum that would be binding on the U.S. government. An uncritical House of Representatives went along, passing its own bill authorizing such a binding referendum. Although in principle both the Democratic and Republican Parties strongly supported a referendum allowing Puerto Rico to reconsider its relationship to the United States, the Senate bill never left the Committee on Energy and Natural Resources during the 101st Congress (1989–90). According to Senator Johnston, there had not been sufficient time to reconcile the differences between the Senate and House versions (among other particulars, the former insisted that whatever choice the Puerto Ricans eventually made must not cost the federal government any additional money, and the latter permitted Puerto Ricans residing in the United States to vote in the island's referendum).

In Puerto Rico, proponents of both continued commonwealth status and statehood acknowledged that jobs and the economy, not "national or cultural integrity," were foremost in the voters' minds. But Romero Barceló's NPP contended that only statehood could end the "continued economic drain" of the commonwealth arrangement, which was harmful to the disad-

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vantaged of Puerto Rico, "the poor, the hungry, the blind, the unemployed."[12] He argued that the status quo benefited the well-to-do, not the working class.

The referendum, held on December 8, 1991, was a stunning defeat for Hernández Colón. The six-part proposal was both complex and vague, calling for guarantees that—regardless of any choice it might make in the future—Puerto Rico would retain its language, culture, and identity, including the right to field its own sports teams in international competition. According to a Puerto Rican journalist, the vote against enhanced commonwealth status was the result of "fear of losing federal assistance and opposition to the Hernández Colón administration."[13] Rejection of the initiative propelled the NPP into the limelight. Pedro Rosselló, who had succeeded Romero Barceló as party chairman earlier in the year, echoed his predecessor's sentiment that despite their growing concerns with economic and social problems, the people of Puerto Rico were coming to believe that statehood was the proper course and the only way to assure an increased flow of U.S. government subsidies and social protection. He determined to galvanize public support for that course.

In November 1992, Rosselló swept into office on a wave of enthusiasm and expectation akin to Clinton's own electoral triumph. Attractive, energetic, and ambitious, the new governor quickly called for another referendum on the island's status. During his first year in office, he waged an intense campaign to convince Puerto Ricans that unless the commonwealth became a state it would forever be dependent on the whims of Congress; that the commonwealth model was largely imposed by Washington; that Puerto Ricans should have a voice in any decision to send its people to war; and that Puerto Rican pride required a changed relationship with the United States. Confident that the statehood option could attract a majority of voters, he saturated the airwaves and television stations with endorsements from three former Republican presidents: Gerald R. Ford, Ronald Reagan, and George Bush. The pro-commonwealth PDP countered with comments from two "English-only" advocates, Representatives Gerald B. H. Solomon (R-N.Y.) and Toby Roth (R-Wis.), who warned that "the path to statehood will not be easy," that "statehood means one language, one flag and one national anthem," and that statehood would entail the obligation to pay federal taxes.[14]

On November 14, 1993, in a plebiscite that brought out almost 74 percent of eligible voters, the commonwealth option narrowly won out with 48.4 percent, compared to 46.2 percent for statehood and 4.4 percent for independence.[15] Yet Puerto Rico's status was still far from acceptable to pro-statehood partisans in the U.S. Congress. Within days, Representative

[12] Christopher Caldwell, "Drive for Statehood Gains Momentum," *Insight*, Feb. 5, 1990, p. 20.
[13] Lelba Ferrer, *San Juan Star*, Dec. 10, 1991.
[14] Larry Rohter, "3 Ex-Presidents Join the Debate on Puerto Rico," *New York Times*, Nov. 13, 1993.
[15] Larry Rohter, "Choosing Status Quo," *New York Times*, Nov. 16, 1993.

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Don Young (R-Alaska) "submitted a bill to incorporate Puerto Rico into the United States," an option that no one had voted for.[16] In November 1994, Young introduced a bill to have a binding referendum held by 1998, in time for commemoration of the hundredth anniversary of the U.S.–Puerto Rico relationship. After House Speaker Newt Gingrich signed on as a cosponsor of the bill and the Clinton administration indicated that it was favorably disposed, statehood advocates expected rapid progress. However, the Senate balked, and a snarl of politics and special interests exposed its reluctance to reach a decisive outcome. On March 4, 1998, the final version of the bill passed the House "by a razor-thin 209 to 208 margin," but the Senate "shelved any action."[17]

When the Senate would not go along with a federally sponsored, binding referendum on Puerto Rico, Governor Rosselló called for another vote to gauge support for statehood. However, the resulting referendum, held in December 1998, created more confusion than clarity. It offered Puerto Ricans five options, including commonwealth, free association (a hybrid form of independence that would delegate certain powers by treaty to the United States), statehood, and independence. But it was the fifth option—"none of the above"—that received 50.2 percent of the vote, compared to 46.5 percent for statehood.[18] Once again frustrated by a divided electorate holding on to the essential status quo, Rosselló lost the November 2000 election to the PDP's Sila Calderon.

The Rhetoric and Reality of Self-Determination

Nothing in life is as certain as the annual introduction in the United Nations Committee on Decolonization of a resolution urging self-determination and independence for Puerto Rico—unless it is mainland newspapers' laments for Puerto Rico's "colonial" plight.[19] Inflammatory, headline-seeking, and invariably inaccurate rhetoric lambastes the United States for exploiting Puerto Rico. During the recent flare-up in Puerto Rico against the navy's use of Vieques, the *New York Times* reported the Reverend Jesse Jackson's speech at a church in Puerto Rico in which he displayed his solidarity with the activists and sought to capitalize on the burst of Puerto Rican nationalism engendered by Clinton's pardoning of the FALN terrorists. According to Jackson:

[16] Juan M. Garcia Passalacqua, "The Puerto Rico Question Revisited," *Current History*, Feb. 1998, p. 82.

[17] Juan Gonzalez, *Harvest of Empire: A History of Latinos in America* (New York: Viking, 2000), p. 262.

[18] Mireya Navarre, "With a Vote for 'None of the Above' Puerto Ricans Endorse Island's Status Quo," *New York Times*, Dec. 14, 1998.

[19] Tom Wicker, "An American Colony?" *New York Times*, Aug. 14, 1981; Francis Negron-Muntaner, "Let Puerto Rico Decide," *Philadelphia Inquirer*, Oct. 7, 1990; "America's Captive Nation," editorial, *New York Times*, Feb. 22, 1991.

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> If the United States fought for Kosovo's right to self-determination, if it believes in East Timor's right to self-determination, why do the people of Puerto Rico not deserve the same chance? It is a sin for one individual to own another—it is called slavery. It's a sin for one nation to own another—it's called colonialism.[20]

The reverend was in error when he said that NATO attacked Serbia to ensure "Kosovo's right to self-determination." Neither in announcing the commencement of air strikes on March 24, 1999, "to protect thousands of innocent people in Kosovo," nor in announcing the halt of hostilities on June 10 did President Clinton refer to self-determination as his goal for Kosovo. East Timor's case was different: in a U.N.-supervised vote, the population had overwhelmingly declared its desire for independence. Only when Indonesian forces tried to prevent the East Timorese from implementing what they had been granted did the United Nations create a multinational rescue operation, of which the United States was a part. Neither of these situations bears any resemblance to Puerto Rico's.

Cloaking themselves in the provisions of the United Nations Charter and international law, partisans of "self-determination" for Puerto Rico demonstrate little understanding of the term. An issue of momentous historical significance for the United States as a whole is being approached without regard for its history. In February 1991, for example, U.S. attorney general Dick Thornburgh testified before the Senate Energy and Natural Resources Committee on the constitutionality of "enhanced commonwealth status" as an option for Puerto Rico and seemed oblivious to what Congress and the Supreme Court had held as consistent U.S. policy over the decades. One is left to conclude that in his eagerness to promote the first Bush administration's pro-statehood position, he was prepared to disregard established interpretations of the nation's laws and legal precedents, as indeed was President Bush himself. Long a partisan of statehood for Puerto Rico for reasons he never explained or discussed, Bush issued a memorandum shortly before leaving office that rescinded "a 31-year-old directive by John F. Kennedy that placed the federal government squarely behind the island's 'unique position' as a self-governing American commonwealth." In the Bush memo, Puerto Rico is described as "a self-governing territory" that federal agencies should treat "as if it were a state."[21] Though adding the caveat that no additional costs were to be incurred by ongoing federal programs, Bush's intent was clearly to help statehood advocates surmount congressional barriers and undermine the case for commonwealth.

It is clear from the historical record that at no time in the past eighty-three years did Congress ever intend Puerto Rico to be a state. In the Organic Act of 1917, which granted U.S. citizenship to Puerto Ricans, Congress deliberately did *not* accord the island territorial status and thus avoided

[20] Amy Waldman, "Service Explores Issues That Affect Puerto Rico," *New York Times*, Sept. 13, 1999.
[21] Bill McAllister, "Criticism for Bush on Puerto Rico," *Philadelphia Inquirer*, Dec. 6, 1992.

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giving the impression that it was sanctioning or even contemplating eventual statehood. In 1922, the Supreme Court ruled that the granting of citizenship was not tantamount to the incorporation of Puerto Rico as a territory.[22] Congress accepted the commonwealth formula championed in 1952 by Muñoz Marín as a new type of relationship between Puerto Rico and the United States, but did not envisage it as a possible way-station to statehood. In 1967, Congress went along with the plebiscite only because it was convinced (based on the commanding position of Muñoz Marín's PDP) that statehood advocates were unlikely to carry the vote. Furthermore, if they *had* prevailed, Congress would assuredly have found a way to forestall action, since it had no intention to grant statehood. But a new generation of politicians has mounted the national and local stage with less of a sense of historical memory, an aversion to public debate on fundamental policy questions, a morbid preoccupation with polls, and a seeming inability or unwillingness to differentiate between "Hispanics" and Puerto Ricans.

Puerto Rico's right of self-determination is not the issue and never has been. Ever since Woodrow Wilson popularized the term as an international principle, there has been widespread recognition that "every demand for self-determination involves some countervailing claim," that conflicts and tensions are inherent between claimants for self-determination and claimants for maintaining the territorial integrity of a country.[23] From the growing body of international law and commentary, it is clear that self-determination relates to the right of a subjugated or oppressed people to independence. It is an assertion of freedom *from* foreign control, not freedom to insist on attaching one's nation *to* another. It does not mean, and has never been interpreted to mean, that a people or a nation (as some describe Puerto Rico) has any inherent right to oblige another nation to absorb it. Although statehood was indeed among the options listed in the 1967 referendum, on that occasion Congress fully expected Puerto Ricans to opt for commonwealth status. But since the early 1990s, through promotion of referenda and incessant lobbying of Congress, partisans of statehood have demonstrated a readiness to keep tensions high until their goal is achieved.

Self-determination is not the issue and never has been.

The Politics of Language

The U.S. Congress has shied away from what it should have done in 1967, namely, limit the Puerto Rican choices to enhanced commonwealth status or independence. Statehood should not have been, and should never become, an option.

[22] *Balzac v. Porto Rico*, 258 U.S. 298.

[23] Michla Pomerance, *Self-Determination in Law and Practice* (The Hague: Martinus Nijhoff, 1982), pp. 2, 12–13.

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Accepting Puerto Rico as a state would open a Pandora's box of linguistic, political, ethnic, racial, and religious tensions greater than any this nation has ever experienced. It is precisely the potentially disruptive and destabilizing issue of language on which mainland political leaders are disturbingly silent, revealing their unwillingness to debate (or perhaps even consider) the profound consequences of the question. American society is distinctive. The polyglot immigrant population of the United States has access to unparalleled mobility and opportunity—rooted in the learning of English. A common language is the cohesive force that makes possible a democratic and stable social order. It creates a congenial environment for civic discourse, pursuit of common goals, and shared cultural experience. It facilitates communication across ethnolinguistic, racial, and religious divides, thereby building the foundation of a common political culture. It does *not*, however, prevent minority ethnic groups from celebrating their distinct cultures and languages and passing them on to their children.

Where a single language is a unifying force, two "national" languages can only be divisive. This is especially true in an era of resurgent ethnic nationalism, notwithstanding globalization driven by technology and economics. The success of Switzerland or Belgium in this regard does not contravene the above proposition. Their small sizes and discrete linguistic communities of relatively equal numbers encourage confederational arrangements based on loose political ties, and their proximity to powerful neighbors mandates cooperation lest they lose their independence. This cooperation, limited and primarily economic rather than educational or cultural, seeks above all to preserve the integrity of their separate linguistic communities. The situation in the United States requires not the institutionalization of separateness, but a process that aims at integration and assimilation.

Americanization has worked remarkably well since the 1840s, when the arrival of significant numbers of German speakers marked the beginning of the great non-English-speaking immigrations of the late nineteenth and twentieth centuries. To be sure, starting over in a foreign land has never been easy, but most newcomers have been eager to Americanize, not least the Cubans, Mexicans, and other Spanish speakers. The widespread resistance of Puerto Ricans to learning English, and the fact that they, alone among American minorities, are not *leaving* their "old country," but seek to absorb it into the United States, stand in sharp contrast to the historical pattern. What is more, admission of Puerto Rico as a state while permitting it to retain Spanish as its official language would only encourage other "Hispanic" Americans to resist assimilation.

As is so often the case, Congress has been part of the problem, not the solution. The Civil Rights Act of 1964, which set out to abolish discrimination "on the basis of race, color, or national origin," was well intentioned, but clumsily implemented. Applied to schools where minority children were held to be disadvantaged, it led to passage of the Bilingual Education Act in 1968,

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which was interpreted as requiring bilingual programs—mostly for Hispanic students, but also for Eskimos, Asian immigrants, and American Indians—in any school, program, or activity receiving federal assistance. Congressional amendments to the Bilingual Education Act have compounded the problem by mandating that bilingual programs not only teach in the language of minority students, but enhance ethnic pride as well. Considering the dearth of trained linguists, however, that approach may impede the acquisition of English, thus entrenching ethnolinguistic exclusivity and forestalling the assimilation that was the program's original purpose. In effect, bilingual programs have done less to teach English than to perpetuate alienation among successive generations of Hispanics, primarily those from Puerto Rico and Central America. It is worth noting that not all Hispanics have resisted assimilation. Cuban immigrants, for example, acculturated relatively quickly, perhaps because they fled tyranny and came seeking political as well as economic opportunity and were therefore more receptive to Americanization as the means to become full participants in the political culture. Puerto Ricans, by contrast, came to the mainland mainly for economic reasons, and they retain the option to return to the island. Proximity and easy access facilitate the continuation of old cultural ties.

Clearly, bilingual education is by no means the only reason that some Hispanics (again, particularly Puerto Ricans) do not feel vitally compelled to learn English or ensure that their children do. Abetting their resistance is a powerful political lobby. Politicians courting the Hispanic vote; reformers who single them out for special attention, partly out of guilt over U.S. support of authoritarian regimes in Central America; Roman Catholic priests who offer asylum for illegal immigrants and defend co-religionists; and members of Congress who reflexively support any federal welfare program—all of these encourage Hispanics to cling to their old identities rather than assimilate, despite evidence suggesting that the result is often more harmful than beneficial. To the extent a distinct language serves as a source of cultural or national pride for a given group, it should be treasured. But that does *not* mean that it should be promoted at the expense of a greater good. Statehood for Puerto Rico that would permit Spanish as its official language would signal to most Hispanic immigrants a diminished necessity to learn English. It would establish the United States as a dual culture, dividing the country into English speakers and Spanish speakers. Puerto Rico's 1991 legislation making Spanish the sole language of the island was largely symbolic (since less than 20 percent of Puerto Rico's population is bilingual), but it affirmed the position that Spanish is to have equal status with English should statehood be granted.

Observations

Puerto Rico's status will doubtless remain unresolved for the foreseeable future. In a thoughtful review of a book on Puerto Rico several years ago,

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Thomas Carothers, of the Carnegie Endowment for International Peace, regretted "the unpleasant suspicion" that nothing short of catastrophe was likely to rouse the U.S. government to terminate the island's status as a special kind of "colony."[24] The key to this dilemma is in the hands of the Congress, which could, for example, sever the relationship and unilaterally declare Puerto Rico independent. It has no intention of acting in such an arbitrary fashion, of course, but the point is that it has the power to set the basic conditions for Puerto Rico's future relationship with the United States—and it should do so. The game plan should be determined in Washington, not San Juan. For reasons discussed earlier, statehood should not be an option.

Congress should hold comprehensive hearings and thoroughly consider the alternatives in a way that enables the mainland public to understand the issues and their implications for the national interest. Not since the congressional debates in January 1991 culminating in the narrow approval of the use of force against Saddam Hussein has there been a serious debate in Congress on an issue of significance for foreign as well as domestic policy.

Next, once Congress agrees on the choices to be offered to Puerto Rico, it should arrange for a referendum there, the results of which would be binding for a twenty-five-year period. The issue should not be used as a political football for special interest groups on the mainland, nor should the American political process be manipulated by capricious politicians who call for referenda to advance their own political fortunes, as Governor Rosselló did in 1998. After twenty-five years, if a future generation of islanders wants to reconsider its relationship with the United States, then it should petition Congress for a new referendum—subject to the above process.

Thirdly, all Puerto Ricans are automatically entitled to American citizenship as long as Puerto Rico retains a commonwealth relationship with the United States. One possible variant is the "associated republic" (*republica asociada*), an arrangement adopted in 1986 by the Pacific Trust Territories of the United States and urged by a small group of influential Puerto Ricans as a way out of the present quagmire.[25] However, the island's future should be determined only by those living there. Like all U.S. citizens, those Puerto Ricans who live on the mainland should only be able to vote in the state in which they reside, where they pay federal income taxes, are eligible for federal benefits, and can run for political office. Those who live in Puerto Rico do not pay federal income tax, but neither can they vote in presidential elections, as the U.S. Court of Appeals recently ruled.[26] Puerto Ricans cannot

[24] See Thomas Carothers's review of José Trías Monge, *Puerto Rico: The Trials of the Oldest Colony in the World* (New Haven, Conn.: Yale University Press, 1997), in *New York Times Book Review*, Nov. 2, 1997.

[25] Gonzalez, *Harvest of Empire*, pp. 266–67.

[26] "Ruling on Puerto Rico Voting Is Overturned," *New York Times*, Oct. 14, 2000. In reversing the lower court ruling, the U.S. Court of Appeals for the First Circuit, in Boston, ruled that "residents of Puerto Rico could not vote in presidential elections unless the island territory became a state or the Constitution was amended."

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be permitted a unique and privileged status as residents of two American jurisdictions simultaneously.

Fourthly, public pressure must be applied constantly to politicians, analysts, and journalists who currently are averse to discussing the specifics of Puerto Rico's situation. Senators must not be allowed to respond to specific, thoughtful inquiries about their position on the issue of statehood for Puerto Rico with form letters from a junior staffer that read: "I appreciate your taking the time to bring your views on this important matter to my attention. As a United States Senator, it is essential that I be kept fully informed. . . . Be assured that I will keep your thoughts on this matter in mind. . . ."[27] On the contrary, senators must clearly pronounce whether, and why, they support enhanced commonwealth status, independence, or statehood for Puerto Rico.

Finally, the future of Puerto Rico must be debated in the context of the changing geopolitics of the whole Caribbean–Central American region. Fidel Castro's normalization of relations with the democracies of Western Europe is just one sign of the transition to a regional order no longer dominated by the Cold War. But President Clinton's decision to send former president Jimmy Carter, rather than a high-ranking official of his own administration, to represent the United States at the historic retrocession of the Panama Canal Zone on December 14, 1999, brought another sign of that transition into focus: Central America and the Caribbean are receding to a peripheral role in U.S. foreign policy.

Indeed, President Clinton's efforts to forge a new and cooperative relationship with Latin America ultimately amounted to very little. To be sure, he won congressional approval in 1993 for the North American Free Trade Agreement, but the treaty itself was a Reagan-Bush initiative, and Clinton was unable to extend it to other countries to the south. Likewise, despite six years of direct U.S. involvement, "democratization" in Haiti has not brought development or a stable political order. Moreover, drug trafficking based in Colombia and illegal immigration from the south remain perennial problems for the United States. Lastly, the maintenance and even stiffening of sanctions against Cuba have weakened U.S. prestige abroad without toppling Castro, all but inviting Germans, French, Japanese, and others to stake out major commercial and economic positions in Cuba that would otherwise have been occupied by U.S. firms. In sum, all the knotty regional problems Clinton faced when he took office now confront George W. Bush.

The new Bush administration should expect growing nationalism in Latin America, and with it a strong element of anti-Americanism. The recent surge of democracy in Latin America shows signs of receding in Venezuela,

[27] Such letters were received by the author from Sen. Arlen Specter (R-Pa.), dated June 14, 1990, and Aug. 7, 1991. By contrast, the answer from Sen. Daniel Patrick Moynihan (D-N.Y.), dated Oct. 29, 1991, was thoughtful, focused, and included the text of a senate speech by Moynihan on the subject of Puerto Rico on Mar. 21, 1991.

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Colombia, Ecuador, and elsewhere. In the race between globalization on the one hand, with its promise of growth, jobs, and prosperity, and the strongman on the other, with his promise of more jobs, welfare, and social stability, the winner is not at all certain. Any prediction can be confounded all too easily by the effects of uncontrolled population growth, the corrupting influence of criminal syndicates, the weakness of political institutions, the disturbing social consequences of a triumphalist cyber-capitalism, and the limits of good intentions.

A Bridge or a Wedge?

Václav Havel has asked, "Where does patriotism end and nationalism and chauvinism begin? Where does civic solidarity end and tribal passion begin? . . . [H]ow do we recognize when a politician ceases to reflect our natural sensitivities and feelings and begins to use and abuse them to his or her own advantage?"[28] We have seen, in the recent jury trial in Puerto Rico of five Cuban exiles accused of trying to assassinate Fidel Castro, defense attorneys who effectively exploited "every opportunity they could to compare the Cubans' battle with Washington to those of nationalistic Puerto Ricans, including the current furor over a Navy bombing on the Puerto Rican island of Vieques." The Cubans were acquitted.[29] And we have seen Panama refuse Washington's demand that renewal of the stationing agreements for U.S. military forces there permit operations other than drug interdiction. As General Charles E. Wilhelm, the commander of all U.S. forces in Central and South America, acknowledged somberly, "For the most part, Latin Americans don't want larger numbers of North Americans in their countries. They don't want armored brigades. They don't want fighter wings on their airfields, around their towns and villages."[30]

In the twentieth century, nationalism, not the libertarian assumptions pervading contemporary theories of modernization and integration, proved the dominant force for political change. Contrary to the expectations of leading social thinkers, human beings consistently demonstrate that they are motivated more by tribalism than by the market, more by a shared culture and history than by shared political institutions. Whatever the outcome of the Puerto Rican issue, it will have long-term foreign policy consequences for U.S relations with Spanish-speaking countries of the Western Hemisphere. Puerto

[28] Václav Havel, "The First Laugh," *New York Review of Books*, Dec. 16, 1999, p. 59.

[29] Tim Golden, "5 Cuban Exiles Charged with Plotting to Kill Castro Are Acquitted," *New York Times*, Dec. 9, 1999.

[30] Steven Lee Myers, "U.S. Seeking New Bases to Offset Panama Loss," *New York Times*, Dec. 2, 1998. In mid-January 2000, Venezuelan president Hugo Chávez spurned a U.S. offer of 450 Marines and navy engineers to help Venezuela recover from destructive flooding and mudslides, saying he did not want American troops on Venezuelan soil. Larry Rohter, "Venezuela: U.S. Aid Spurned," *New York Times*, Jan. 15, 2000.

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Rico might be a bridge to the Hispanic world, or it might be an ethnolinguistic, cultural wedge that could split asunder the multicultural but monolingual fabric of American politics and society.

The status of Puerto Rico should not be left to the vagaries of political special interest groups. It is time for a national debate on this issue. One century of ambiguity is enough.

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Island in Limbo

The Case for Puerto Rican Decolonization

by Christina D. Burnett

Would Puerto Rican statehood create an American Quebec? Statehood opponents would have you think so. In an opinion piece published shortly before the island's most recent referendum on its political future, in December 1998, English Language Advocates founder Gerda Bikales urged voters to cast their ballots against statehood, warning that "America will not accept into its fold a new political entity with all the characteristics of a foreign nation."[1] Opponents of statehood who share some version of her concern range from the right-wing group Fortress America (whose literature asserts that "Puerto Rican Statehood is about the corruption of our American way of life," and that statehood would spawn "a full-fledged terrorist war inside the United States of America") to the more mainstream American Conservative Union (which fears that Puerto Rican statehood would lead to the permanent loss of "America's cultural identity," along with "mammoth new tax increases") to Puerto Rico's own *independentistas*, nationalists, and "autonomists" (who regularly declare that Puerto Rican statehood would create an American Quebec).[2]

These Cassandras across the anti-statehood spectrum have correctly identified the United States' single most important stake in the future of Puerto Rico: to avoid creating an enclave of culturally separatist U.S. citizens within the United States. However, they have pinned their fears on the wrong status—though whether out of ignorance or for strategic reasons depends on who makes the mistake. Puerto Rican statehood does not threaten to create

[1] Quoted in Michelle Faul, "Puerto Rico Voices Its Feelings Sunday," *Chattanooga Times*, Dec. 12, 1998.

[2] J. R. Wheeler, Fortress America letter (undated), on file with author, pp. 1–2. Chairman David Keane, American Conservative Union letter (undated), on file with author, pp. 3, 2. For the autonomist view, see, e.g., Rubén Berríos Martínez, "Puerto Rico's Decolonization," *Foreign Affairs*, Nov./Dec. 1997, pp. 100–114.

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a so-called American Quebec. Nor, obviously, does Puerto Rican independence. It is Puerto Rico's current relationship to the United States—the island's "commonwealth status"—that poses this risk. Indeed, commonwealth status not only threatens to produce such a problem, but to a significant extent it already has.

Under the current arrangement, Puerto Rico's 3.8 million people, who are U.S. citizens by birth, are subject to American sovereignty but denied representation in the federal government. They cannot vote in presidential elections or elect senators or congressmen; a single, nonvoting "resident commissioner" is their voice in the House of Representatives.[3] This unresolved colonial status has bred a politics of ambivalence on the island. On the one hand, a 103-year-old relationship with the United States has fostered strong ties to the mainland and a powerful attachment to U.S. citizenship along with a profound dependence on federal largesse. At the same time, the disenfranchisement of the people of Puerto Rico and the island's subordinate position within the American system have nurtured a defiant streak of cultural pseudo-separatism and rhetorical nationalism—having nothing to do with a desire for actual separation, but thriving nevertheless in Puerto Rico's social, cultural, and political spheres. The United States' failure to set in motion a process of decolonization for Puerto Rico has fostered this ambivalence: today, over 95 percent of Puerto Rico's voters place the utmost priority on "permanent" union with the United States and "guaranteed" U.S. citizenship, yet only about 50 percent support statehood outright.

What do these figures mean? Why would one desire permanent union with the United States and guaranteed U.S. citizenship, but not statehood? What does the other 50 percent of the electorate propose instead? As these figures suggest, less than five percent of these voters hope to achieve independence. The rest style themselves supporters of the status quo, otherwise known as "commonwealth status." Their leaders, however, have no intention of merely maintaining the current arrangement. Rather, they have worked for decades to "enhance" Puerto Rico's political status, insisting on modifications such as: the implementation of a "mutually binding bilateral compact" between Puerto Rico and the United States with guaranteed U.S. citizenship for persons born in Puerto Rico; a simultaneous recognition of Puerto Rico's status as a "nation"; the reservation of sovereign powers for the local government, including the power to enter into treaties with other nations and to veto federal laws; and perpetual federal funding (maintaining

[3] See *Rules of the House of Representatives, 107th Congress*, Rule 3 (prepared by Jeff Trandahl, Clerk of the House of Representatives, Jan. 3, 2001). On the limited voting rights for delegates from the District of Columbia and the territories, see also *Constitution, Jefferson's Manual, and Rules of the House of Representatives of the United States, 105th Congress* (Washington, D.C.: U.S. Government Printing Office, 1997), Rule 12, sec. 740, p. 541; Rule 13(c), sec. 864b, p. 708; *Michel v. Anderson*, 14 F.3d 623 (D.C. Cir. 1994); and Abraham Holtzman, "Empire and Representation: The U.S. Congress," *Legislative Studies Quarterly*, vol. 11 (1986), p. 249.

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current levels of $14 billion per year and adjusting for inflation), along with a continued exemption from federal income taxes.[4] In other words, proponents of "enhanced commonwealth" status hope to establish in Puerto Rico precisely what they threaten statehood would create: an enclave of culturally separatist U.S. citizens within the United States—an American Quebec.

Critics dismiss enhanced commonwealth as misguided and unconstitutional; its supporters call it "the best of both worlds" (the "worlds" being, one assumes, statehood and independence). The U.S. Congress seems to agree with the critics, and for fifty years has ignored these proposals, even though enhanced commonwealth has twice prevailed in referenda on the island.[5] Yet the key to avoiding an American Quebec lies not in silence. It lies instead in affirmatively ruling out this option and offering the electorate a valid process of self-determination with realistic status alternatives that would end Puerto Rico's colonial dilemma. As long as Congress fails to take a clear stand on Puerto Rican decolonization, some local political leaders will continue to promise the people of Puerto Rico that they can both be a nation and secure permanent union with the United States and guaranteed U.S. citizenship (not to mention a continued flow of federal funds and exemption from federal taxes). Put simply, federal silence on the future of Puerto Rico actually *increases* the desire on the island for something very much like an American Quebec. Rather than perpetuate this situation by inaction, American lawmakers would be wise to promote clear, noncolonial status options for Puerto Rico. Commonwealth status fails this test as it stands, and in its various optative guises.

A Century in the Making

Puerto Rico has been a colony for more than five centuries, and a U.S. colony since July 25, 1898, when American troops landed on the island "bearing the banner of freedom."[6] The United States was in the process of routing Spain in the Spanish-American War, and by year's end Spain would be forced to cede Puerto Rico, along with the Philippines and Guam, in the Treaty of Paris, which formally ended the conflict.[7] But reality did not live up

[4] See "Proposal for the Development of Commonwealth Status," adopted by the Governing Board of Puerto Rico's Popular Democratic Party (PDP), Oct. 15, 1998 (on file with author), discussed in detail below.

[5] On referenda and unsuccessful efforts to "enhance" commonwealth status, see José Trías Monge, *Puerto Rico: The Trials of the Oldest Colony in the World* (New Haven, Conn.: Yale University Press, 1997), pp. 119–35; and Raymond Carr, *Puerto Rico: A Colonial Experiment* (New York: Vintage Books/Twentieth Century Fund, 1984), pp. 72–104, 124–29.

[6] Maj. Gen. Nelson A. Miles, "To the Inhabitants of Puerto Rico" (proclamation), quoted in Kal Wagenheim and Olga Jiménez de Wagenheim, *The Puerto Ricans: A Documentary History* (Princeton, N.J.: Marcus Wiener Publishers, [1994] 1996), p. 95.

[7] *Treaty of Peace between the United States and the Kingdom of Spain, U.S. Statutes at Large* 30 (1899), p.

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to the Americans' rhetoric of freedom: the U.S. government intended to govern Puerto Rico as a colony and was disinclined to consider the possibility of the island's eventual admission into the Union as a state.

Not long thereafter, the Supreme Court gave constitutional sanction to the government's imperialist plans. In the *Insular Cases* of 1901, the Court addressed the controversial question of whether the United States could acquire and govern colonies without committing either to admit them into statehood or to grant them independence.[8] A bitterly divided Court concluded that it could, holding that the former Spanish colonies *belonged* to the United States but were not a *part* of it. In the memorable phrase used by Justice Edward Douglass White in a concurring opinion, the new territories were "foreign to the United States in a domestic sense."[9]

Reality did not live up to the Americans' rhetoric of freedom.

The Court reasoned that the "Territory Clause" of the Constitution conferred upon Congress nearly absolute, or "plenary," power to govern the territories.[10] In this, the former Spanish colonies were no different from the territories the United States had acquired, governed, and eventually admitted into statehood throughout the nineteenth century.[11] However, the Court distinguished the new territories from their nineteenth-century counterparts by explaining that the islands had not yet been "incorporated" into the United States, and that Congress had unfettered discretion over whether, if ever, to incorporate a territory.

The consequences of what became known as "unincorporated" territorial status were twofold. First, the residents of these new territories enjoyed even fewer constitutional protections than had the inhabitants of earlier, "incorporated" territories. For instance, the Sixth Amendment's guarantee of a right to a criminal trial by jury did not apply to the former Spanish colonies, though it had applied in the territories acquired prior to 1898.[12]

1754. See generally Robert L. Beisner, *Twelve against Empire: The Anti-Imperialists, 1898–1900* (Chicago: Imprint Publications, [1962] 1994); David F. Trask, *The War with Spain in 1898* (New York: Macmillan Publishing Co., 1981); Luis E. González Vales, ed., *1898: Enfoques y perspectivas* (San Juan, P.R.: Academia Puertorriqueña de la Historia, 1997).

[8] The *Insular Cases* consist of a series of Supreme Court decisions handed down between 1901 and 1922. The leading case, *Downes v. Bidwell*, 182 U.S. 244 (1901), contains the most detailed explanation of the Court's holding regarding the status of the new territories, set forth in Justice Edward Douglass White's concurrence, which was eventually endorsed by a unanimous Supreme Court in *Balzac v. Porto Rico*, 258 U.S. 298 (1922). See generally Christina Duffy Burnett and Burke Marshall, eds., *Foreign in a Domestic Sense: Puerto Rico, American Expansion, and the Constitution* (Durham, N.C.: Duke University Press, June 2001).

[9] *Downes v. Bidwell*, 182 U.S. 341–42 (White, J., concurring).

[10] "The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or Property belonging to the United States." U.S. Constitution, art. 4, sec. 3, cl. 2.

[11] See generally Arnold H. Leibowitz, *Defining Status: A Comprehensive Analysis to United States Territorial Relations* (Dordrecht, The Netherlands: Martinus Nijhoff Publishers, 1989), pp. 3–16; Henry Wolf Biklé, "The Constitutional Power of Congress over the Territory of the United States," *American Law Register*, vol. 49 (supp.) (1901), p. v.

[12] See *Balzac v. Porto Rico*, 258 U.S. 298.

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Secondly, in contrast to earlier territories, the new ones were not considered to be on a path toward statehood and might never be. Whereas the Court had traditionally justified Congress's so-called plenary power over territories on the ground that territorial status was a transitional stage leading toward full and equal membership in the Union, now Congress would exercise colonial governance for its own sake.[13]

Thus, the *Insular Cases* left the status of the new territories unresolved and, in the case of both Puerto Rico and Guam, it remains so. Although Congress has taken some fitful action over the past century to modify and revise the status of these territories, it has never set in motion a process of self-determination leading to their full decolonization.

In 1917, Congress granted U.S. citizenship to Puerto Ricans and permitted popular election of representatives to both houses of the island's local legislature.[14] Any doubt as to whether this grant of citizenship implied "incorporation" was resolved shortly thereafter in another Supreme Court opinion, *Balzac v. Porto Rico*: it did not. As the Court explained, "Had Congress intended to take the important step of changing the treaty status of Porto Rico by incorporating it into the Union, it is reasonable to suppose that it would have done so by the plain declaration, and would not have left it to mere inference."[15] Three decades later, in 1948, the populist Luis Muñoz Marín, founder of the Popular Democratic Party (PDP, also known as the Commonwealth Party), became Puerto Rico's first elected governor. Muñoz Marín led the transition to commonwealth status between 1950 and 1952, in a process authorized by Congress and subject to its approval.[16] This transition inaugurated a new regime with a local constitution and a republican form of government like that of any state of the Union. However, Puerto Rico still lacked voting representation at the federal level. Moreover, it still had not been "incorporated" into the United States. Thus, whether the new commonwealth status had changed Puerto Rico's fundamentally colonial relationship to the United States remained the subject of intense disagreement.

Commonwealth supporters argued, and still do, that in 1952 Congress made a substantial and irrevocable delegation of sovereignty to Puerto Rico, thereby purging the relationship of its principal colonial attribute, namely, the

[13] See, e.g., *McAllister v. United States*, 141 U.S. 174, p. 187 (1891) (justifying lack of tenure of territorial judges on the ground that territorial status was temporary); *Pollard's Lessee v. Hogan*, 44 U.S. 212, p. 223 (1845) (discussing "temporary territorial governments"); *Loughborough v. Blake*, 18 U.S. (5 Wheat.) 317, p. 323 (1820) (explaining that territories are in a "state of infancy advancing to manhood, looking forward to complete equality").

[14] See "An act to provide a civil government for Porto Rico and for other purposes (Jones Act)," *U.S. Statutes at Large*, vol. 39 (1917), p. 951. See generally José A. Cabranes, *Citizenship and the American Empire: Notes on the Legislative History of the United States Citizenship of Puerto Ricans* (New Haven, Conn.: Yale University Press, 1979).

[15] 258 U.S. 302.

[16] See Trías Monge, *Puerto Rico*, pp. 107–18.

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plenary power of Congress.[17] For their part, advocates of statehood and independence disagreed with this theory, and still do.[18] The Territory Clause makes a constitutional grant of power to Congress, they reason, which Congress cannot permanently legislate away. It may delegate powers of local self-government to Puerto Rico, but Congress's underlying constitutional power remains in place. In this view, the only way to decolonize Puerto Rico would thus be to admit Puerto Rico into the Union, grant it independence, or amend the Constitution.

This debate rages on, eliciting little more than mixed signals from the relevant congressional committees, courts, and other federal actors. The closest Congress has come to a clear statement on the issue was the United States–Puerto Rico Political Status Act, also known as the Young Bill after its principal sponsor, Representative Don Young (R-Alaska). That bill adopted the position that enhanced commonwealth was not a constitutional or desirable status, and called for a decolonization process offering statehood, separate sovereignty, and the (unenhanced) status quo as alternatives. It passed in the House on March 4, 1998, but later died in the Senate.[19] For its part, the Supreme Court has described Puerto Rico's status as "sovereign over matters not ruled by the Constitution" (making it seem statelike), but has cited the Territory Clause and the *Insular Cases* to uphold Congress's differential treatment of Puerto Rico in various contexts (not statelike at all).[20]

While recognizing the constitutional questions that afflict commonwealth status—and bemoaning the continued lack of representation that plagues the arrangement—the pro-commonwealth PDP leadership has repeatedly sought to persuade Congress to implement "enhancements" to the status quo, beginning with an agreement that expressly acknowledges the existence of the elusive mutually binding bilateral compact.[21] Congress has

[17] See, e.g., José Trías Monge, "Plenary Power and the Principle of Liberty: An Alternative View of the Political Condition of Puerto Rico," *Revista Jurídica Universidad de Puerto Rico*, vol. 68 (1999), p. 1; Arnold H. Leibowitz, "The Applicability of Federal Law to the Commonwealth of Puerto Rico," *Georgetown Law Journal*, vol. 56 (1967), p. 219; Rafael Hernández Colón, "The Commonwealth of Puerto Rico: Territory or State?" *Revista del Colegio de Abogados de Puerto Rico*, vol. 19 (1959), p. 207.

[18] See, e.g., Juan R. Torruella, *The Supreme Court and Puerto Rico: The Doctrine of Separate and Unequal* (San Juan, P.R.: Editorial Universitaria, 1985); Carlos R. Soltero, "Is Puerto Rico a 'Sovereign' for Purposes of the Dual Sovereignty Exception to the Double Jeopardy Clause?" *Revista Jurídica Universidad de Puerto Rico*, vol. 28 (1994), p. 183.

[19] See *United States–Puerto Rico Political Status Act, Report together with Additional Views [To accompany H.R. 856]*, Rept. 105-131, Part I, 105th Cong., 1st sess., June 12, 1997; see also *United States–Puerto Rico Political Status Act, Report together with Dissenting and Additional Views [To accompany H.R. 3024]*, Rept. 104-713, Part I, 104th Cong., 2nd sess., July 26, 1996.

[20] For references to Puerto Rico's sovereign status, see, for example, *Calero-Toledo v. Pearson Yacht Leasing Co.*, 416 U.S. 663, pp. 672–73 (1974). For citations of the Territory Clause and *Insular Cases*, see *Harris v. Rosario*, 446 U.S. 651–52 (1980) (per curiam); *Califano v. Gautier Torres*, 432 U.S. 1, p. 3 n.1 (1978) (per curiam).

[21] See Trías Monge, *Puerto Rico*, pp. 119–35; Carr, *Colonial Experiment*, pp. 72–104, 124–49; Robert J. Hunter, "Historical Survey of the Puerto Rico Status Question, 1898–1965," in *Status of Puerto Rico: Selected Background Studies Prepared for the United States–Puerto Rico Commission on the Status of Puerto Rico* (Washington, D.C.: U.S. Government Printing Office, 1966).

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demurred. Meanwhile, supporters of statehood and independence continue to call upon Congress to make clear that no such compact does or can exist, and thereby to set Puerto Rico on a realistic path toward decolonization. Congress has not done this, either, but it should.

Rhetorical Nationalism and Cultural Pseudo-Separatism

Taking its cue from Justice White's description of the unincorporated territories as "foreign to the United States in a domestic sense," Congress has treated Puerto Rico sometimes as part of the United States, and at other times as a foreign country. Predictably, a good number of Puerto Ricans have reciprocated in kind: they unhesitatingly assert their status as a "nation" and insist all the while on permanent union with the United States and guaranteed U.S. citizenship. This brand of nationalism is best described as purely rhetorical. Although references to the "Puerto Rican nation" are ubiquitous in island politics, a precious few Puerto Ricans desire the independent nationhood one ordinarily associates with nationalism.[22] Indeed, despite recent events that fanned the flames of this renewed rhetorical nationalism—foremost among them the ongoing controversy over the U.S. Navy's use of the island-municipality of Vieques for live-fire target practice—the Puerto Rican Independence Party (PIP) once again barely eked out four percent of the vote in the November 2000 general elections.

Puerto Rico's rhetorical nationalism thrives instead in the late Muñoz Marín's pro-commonwealth PDP. In a striking instance of the conundrums engendered by the party's ambivalent politics, in 1991 the PDP-controlled legislature enacted a Spanish-only law replacing a ninety-eight-year-old statute that made English and Spanish Puerto Rico's official languages.[23] Defending the new law, then-governor Rafael Hernández Colón, a leading proponent of enhanced commonwealth, published an open letter in the *New York Times* declaring that "[s]o as we reaffirm our Spanish language and culture today, we also reaffirm our unity with the United States."[24] The law tried to make the rhetoric a reality, but the public balked: in 1992, Pedro Rosselló of the pro-statehood New Progressive Party (NPP) campaigned on a promise to make repeal of this law his first act in office. He won, and kept his promise.[25]

[22] See generally Ramón Grosfoguel, Frances Negrón-Muntaner, and Chloé S. Georas, "Beyond Nationalist and Colonialist Discourses: The *Jaiba* Politics of the Puerto Rican Ethno-Nation," in *Puerto Rican Jam: Essays on Culture and Politics*, ed. Ramón Grosfoguel and Frances Negrón-Muntaner (Minneapolis: University of Minnesota Press, 1997).

[23] See Law No. 4 of Apr. 5, 1991, 1 P.R. Laws Ann. sec. 56 (Supp. 1993), repealing Law of Feb. 21, 1902, 1 P.R. Laws Ann. sec. 51.

[24] Rafael Hernández Colón, "An Open Letter to Fellow Citizens of the United States from the Governor of Puerto Rico," *New York Times*, Apr. 9, 1991, quoted in Amílcar A. Barreto, *Language, Elites, and the State: Nationalism in Puerto Rico and Quebec* (Westport, Conn.: Praeger, 1998), p. 122.

[25] Act No. 1 of Jan. 28, 1993.

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Eight years later, the PDP recaptured the governorship and both houses of the legislature. The current governor, Sila Calderón, had promised to reenact the law but, despite strong pressure from both the PIP and hardliners in her own party, has thus far put it off.

In light of the Commonwealth Party's pseudo-separatist double-talk, how is it that Puerto Rican *statehood* came to be associated with the specter of Quebec? One reason may be that outside of Puerto Rico, virtually no one has any idea that the "pro-commonwealth" leadership does not, in fact, support the commonwealth status quo, or that this leadership intends to secure for Puerto Rico a level of autonomy that most Americans thought went out of style with John Calhoun's concurrent majorities.[26] Aware that their proposals face serious constitutional obstacles, advocates of enhanced commonwealth in turn have worked steadily, though unsuccessfully, in Congress to implement some of the more feasible features of their envisioned arrangement while endeavoring at the same time to persuade Congress to set up various commissions to work out the details.[27] These attempts at enhancement so far have fallen on deaf ears.

In the meantime, the supporters of this arrangement have a vested interest in undermining their greatest rivals by promoting the misconception that statehood would create an American Quebec. Unfortunately, statehood opponents in the United States have accepted this position uncritically. If instead they took a closer look at the PDP's proposals, they would discover that the implementation of enhanced commonwealth entails precisely what they believe statehood threatens to create: *an enclave of culturally separatist U.S. citizens in permanent union with the United States.*

Two sources in particular shed light on the true nature of enhanced commonwealth: Governor Calderón's most detailed campaign statement on the issue of status, delivered in a speech on Puerto Rico's Constitution Day, July 25, 2000, and the "Proposal for the Development of Commonwealth Status" (the "Proposal," or "PDP Proposal"), adopted by the governing board of the PDP in October 1998.[28]

In her campaign speech, then-gubernatorial candidate Calderón set forth the five principles that, in her view, form the cornerstone of enhanced commonwealth status:

[26] See generally Marshall L. DeRosa, *The Confederate Constitution of 1861: An Inquiry into American Constitutionalism* (Columbia: University of Missouri Press, 1991), pp. 25–39.

[27] See Trías Monge, *Puerto Rico*, pp. 127–30.

[28] Both on file with author. The PDP Proposal was debated in the House Committee on Energy and Natural Resources (which has jurisdiction over Puerto Rico status issues) in the form of H.R. 4751, introduced by Rep. John Doolittle (R-Calif.). See H.R. 4751, 106th Cong., 2d sess. (June 26, 2000). This proposed bill directly translated some of the provisions in the PDP Proposal and summarized others. The PDP boycotted this hearing, both because Rep. Doolittle made no secret of his opposition to enhanced commonwealth and because, in the wake of five decades of unsuccessful efforts at enhancement in Congress, the PDP now takes the position that the enhancements must first be developed in a constitutional convention in Puerto Rico, and then presented to Congress.

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> (1) The recognition and reaffirmation of the sovereignty of the people of Puerto Rico. . . .
> (2) [The recognition that] Puerto Rico is a nation with its own culture and language, which it wishes to conserve, protect and develop according to its particular uniqueness.
> (3) The unequivocal guarantee of the permanence and irrevocability of the union between the United States and Puerto Rico on the basis of common citizenship, common defense, common currency and a free [common] market.
> (4) The specific definition of the powers delegated to the United States. . . . All other powers must be reserved to Puerto Rico. . . .
> (5) The participation of the people of Puerto Rico in the powers exercised by the government of the United States, under the pact, in those issues that affect Puerto Rico, in a way proportionate to the scope of those powers.[29]

This list provides an excellent snapshot of the ambivalent politics that afflicts Puerto Rico's status debate. On the one hand, the status described here bears a striking resemblance to statehood. Four out of these five essential features of enhanced commonwealth could just as well describe the status of any state of the Union: sovereignty; permanent union with the United States along with "common" (that is, U.S.) citizenship, defense, currency, and free markets; a delegation of powers to the federal government and reservation of other powers to the state or the people; and participation in the exercise of federal law-making powers. One can easily find provisions in the U.S. Constitution and federal case law elaborating on each of these features of statehood.[30]

The second principle, however, poses a substantial obstacle to statehood: "Puerto Rico is a nation." By this, it is clear, Calderón does not mean an independent nation. She refers to a culture and language to be conserved, protected, and developed, but a review of the more detailed PDP Proposal demonstrates that she also means something more. By "nationhood," the PDP means an array of local powers ordinarily associated with independent sovereign nationhood (and denied the states of the Union), but which Puerto Rico would enjoy even as it maintained a "permanent and irrevocable union" with the United States.

The Proposal, like Calderón's principles, describes a relationship indistinguishable from statehood in most ways, but inconsistent with it in a few crucial respects. The similarities with statehood include the ever-elusive "mutually binding bilateral compact," described in the preamble as follows: "The people of Puerto Rico, in the exercise of their sovereignty, their natural

[29] See Transcript (English translation), Calderón speech, July 25, 2000 (on file with author).

[30] See, e.g., *Texas v. White*, 74 U.S. (7 Wall.) 700 (1869) ("The Constitution, in all its provisions, looks to an indestructible Union, composed of indestructible States."). In the U.S. Constitution, see amend. 10 (reserving to the states or the people those powers not delegated to the federal government); amend. 11 (barring suits by citizens of one state against citizens of another state; the Supreme Court has interpreted this amendment as a constitutional recognition of state sovereignty); art. 1, sec. 2–4 (describing the manner of choosing representatives and senators); and art. 2, sec. 1 (describing the manner of choosing the president).

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right of self-government and their free will as the ultimate sources of power, herein reaffirm that Commonwealth status is an autonomous political body, neither a colony nor a territory, in permanent union with the United States of America, under an agreement that may not be set aside or altered unilaterally. . . ."[31] Echoing the states' delegation of sovereignty to the federal government and reservation of powers under the Tenth Amendment, Puerto Rico would delegate specific powers to the federal government and "retain powers not delegated to the United States."[32] These delegated powers would include those relating to defense matters, the currency, U.S. citizenship, Social Security, Medicare, unemployment insurance, banking and brokerage matters, the postal service, and social and educational aid programs for veterans and citizens (all powers that the United States already exercises in Puerto Rico, as well as in the states).[33] Under the compact, Puerto Rico would, like any state of the Union, retain its local constitution, which contains a Bill of Rights similar to that of the federal Constitution. Persons born in Puerto Rico, like those born in states, would "continue being U.S. citizens by birthright and said citizenship [would] continue to be protected by the U.S. Constitution and by this Agreement and cannot be unilaterally revoked."[34]

On a more practical note, a provision analogous to the General Welfare Clause of the federal Constitution would require Puerto Rico and the United States to "establish areas of special cooperation with the purpose of guaranteeing the quality of life of Puerto Ricans and thus allowing them to continue nourishing themselves from the collective experience of the institutional and sectoral developments of both peoples."[35] The long list of areas of cooperation includes: drug traffic control, communications regulation, immigration, the environment, employer-employee relations, natural-disaster response, agriculture, medicine, pharmacology, criminal justice, and the development of the natural and social sciences and the humanities—again, all areas in which the U.S. and Puerto Rico currently cooperate, and would under statehood. In addition, the Proposal confirms that under the compact Puerto Rico would retain its symbols, flag, and hymn, and that the island would be able to enter into "cultural, educational, scientific, and sports agreements."[36] Although these provisions have a more nationalist flair, a state of Puerto Rico would, of course, also retain its symbols, flag, and hymn, and could enter into cultural, educational, scientific, and sports agreements, albeit of a limited scope.

In these aspects, the compact merely reinvents the wheel: Puerto Rico

[31] PDP Proposal, preamble, p. 2. The pages cited here refer to the official Spanish-language version of the Proposal. The translations into English are my own.

[32] Ibid., art. 3(A), p. 3.

[33] Ibid., art. 3(B), p. 4.

[34] Ibid., art. 2(A), p. 3.

[35] Ibid., art. 7, p. 6.

[36] Ibid., art. 11, p. 7; art. 12, p. 8.

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might as well join the "indestructible union of indestructible states."[37] But these provisions coexist, improbably, with those designed to confirm and secure the island's status as a "nation." A second preamble declares that "[t]his relationship guarantees the autonomous development of Puerto Rico based on the democratic precept of government by consent of the governed and in the recognition that Puerto Rico is a Nation with its own history, idiosyncrasy, culture, and Spanish language."[38] Article 1, entitled "Puerto Rican Identity," follows immediately thereafter, declaring (somewhat redundantly) that "Puerto Ricans have a shared history, culture, idiosyncrasy, and Spanish language that constitutes them as a nationality specific and distinct from that of any other nation."[39] Other provisions similarly imply varying degrees of inconsistency with statehood. Under the compact, Puerto Ricans would be Puerto Rican citizens as well as U.S. citizens. Whereas under the Fourteenth Amendment of the federal Constitution, persons born in the United States are citizens of the United States and of the state in which they reside, the proposed compact reserves full discretion over Puerto Rican citizenship to the local government.[40] For instance, this government could deny Puerto Rican citizenship to other U.S. citizens who established residency on the island, a power states do not have.

Moreover, while Puerto Rico's reservation of sovereignty under the proposed compact resembles that of the states, the Proposal contemplates the retention of additional powers broader than those the states enjoy under the Constitution. For instance, under the compact Puerto Rico would delegate only *limited* powers over foreign relations to the United States.[41] Puerto Rico, in turn, would exercise "control over international trade [and] the power to enter into trade and tax agreements, among others, consistent with the interests of both [the United States and Puerto Rico] in defense and security."[42] In addition, the Proposal vests jurisdiction in a United States District Court over matters arising under the federal Constitution and laws and "which are not contrary to the provisions of the Constitution of Puerto Rico."[43] This language suggests that the local constitution would have supremacy over the U.S. Constitution, even on matters of federal law. Accordingly, the Supreme Court of Puerto Rico would presumably exercise ultimate appellate jurisdiction over challenges to federal laws under the Puerto Rico Constitution, even hearing appeals from the U.S. Supreme Court in such cases—a practice

[37] *Texas v. White*, 74 U.S. 700.

[38] PDP Proposal, preamble, p. 2.

[39] Ibid., art. 1(A).

[40] Ibid.

[41] Ibid., art. 3(B), p. 4; compare U.S. Constitution, art. 1, sec. 8, cl. 3 (describing Congress's power to regulate commerce with foreign nations); and art. 2, sec. 2, cl. 2 (describing the president's power to make treaties with the advice and consent of the Senate).

[42] PDP Proposal, art. 5(B), pp. 4–5.

[43] Ibid., art. 8, p. 6.

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wholly inconsistent with the jurisdictional scheme set forth in Article 3 of the federal Constitution.

Finally, under the compact Puerto Rico would retain the power to veto federal laws selectively and unilaterally. In the language of the Proposal, "The Constitutional Convention shall design and propose to the United States Government a mechanism for the specific, prospective consent to the application of legislation passed by the U.S. Congress after the adoption of the agreement."[44] In this respect, the envisioned arrangement diverges from statehood dramatically, for states, of course, may not nullify federal laws.[45]

The Commonwealth Party's insistence on retaining these particular sovereign prerogatives rests in part on the premise that such powers inhere in nationhood, that is, that because it is a "nation" of some sort, Puerto Rico deserves these powers. It bears noting, however, that in order to enter into a permanent union with the United States, Puerto Rico would necessarily give up other arguably inherent qualities of nationhood, among them the right to self-determination itself (which implies the right to choose independence, thereby unilaterally altering the unalterable compact). In this sense, the Proposal arbitrarily draws the line where it does—rather than, for instance, opting for the level of sovereignty that states of the Union enjoy.

The Proposal may also seek to reserve such an array of powers because, although it calls for delegating a great deal of sovereign powers to the United States, it still deprives Puerto Ricans of voting representation in the federal government (as it must, since the Constitution confers full federal representation on states of the Union, not citizens per se).[46] Under the compact, Puerto Rico would keep its resident commissioner who, in addition to his current function as a nonvoting delegate in the House of Representatives, would take on the duty of representing Puerto Rico before the executive branch, apparently as an ambassador of sorts.[47] Even with this expanded role, however, the position falls far short of full representation at the federal level—hence the proposed power to nullify federal laws. The president of the PDP explains the reasoning behind the arrangement thus:

> The fact that we don't vote for the president of the United States and the members of Congress is what some people find off-putting [about commonwealth status]. I've always said that is a quid pro quo, in exchange for not voting for the president and the congressmen you don't pay taxes, you have more self-government, you have your own culture, your own identity and your own nationality. [W]e don't solve that by going to extremes and voting for statehood, but rather . . . by identifying other areas where the power should reside in Puerto Rico.[48]

[44] Ibid. p. 8.

[45] U.S. Constitution, art. 6, cl. 2 (Supremacy Clause).

[46] See *Gore v. Bush*, 121 S. Ct. 525, p. 529 (2000) (per curiam).

[47] U.S. Constitution, arts. 1 and 2.

[48] Philipe Schoene Roura, "Hard Knocks on Capitol Hill" (profile and interview of PDP President Aníbal Acevedo Vilá), *San Juan* magazine, May 1999, p. 67.

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Ultimately, the prevailing rationale behind the Proposal for enhanced commonwealth is that this arrangement provides the best way, short of independence, to "conserve, protect and develop" Puerto Rican history, culture, traditions, and language. Thus, the Commonwealth Party not only saturates its campaign rhetoric with appeals to Puerto Rican identity, or *puertorriqueñidad*, but also trades heavily on linking statehood directly to the demise of that identity. It follows, supposedly, that statehood would create an American Quebec, because the pressure of assimilation would merely intensify Puerto Rican anxieties over culture and language. Enhanced commonwealth would ostensibly not have the same deleterious effect, because it would provide for just the right amount of cultural protection in Puerto Rico and just the right level of association with the United States.

How persuasive is this reasoning? Is enhanced commonwealth really the answer to Puerto Rico's status dilemma? Far from it. To begin with, the arrangement faces effectively insurmountable political and constitutional obstacles. Politically speaking, it is hard to imagine that the American government and voters would accept an arrangement that bestowed on Puerto Rico benefits and prerogatives delegated by the states to the federal government and consequently denied to them. There is good evidence of this resistance in the last five decades of unsuccessful efforts to obtain congressional action on further enhancements, even after this option has prevailed in island referenda. Constitutionally, critics of enhanced commonwealth are on solid ground when they insist that the envisioned "permanence and irrevocability" clauses would require an amendment to the federal Constitution. Neither American nor international law provides any basis for preventing one party from terminating a sovereign-to-sovereign compact (indeed, international law *requires* that such compacts be terminable).[49] Other proposals that would require amendment to the Constitution include the supremacy of a local court over the U.S. Supreme Court, the delegation of "limited" foreign affairs powers to the federal government, and the guarantee of annual federal funding in the form of a block grant. Yet the PDP has consistently rejected the claim that their proposals require a constitutional amendment,[50] presumably because the party recognizes that the chances of passing such an amendment are slim to none.

Is enhanced commonwealth really the answer? Far from it.

Since, barring an amendment, enhanced commonwealth does not offer a viable decolonization alternative, this option simply prolongs the

[49] See, e.g., Hurst Hannum, *Autonomy, Sovereignty, and Self-Determination: The Accommodation of Conflicting Rights* (Philadelphia: University of Pennsylvania Press, [1990] 1992), p. 17 (explaining that an "essential attribute" of associated statehood is "the ability unilaterally to terminate the 'association' with another state"). See generally Ian Brownlie, *Principles of Public International Law*, 5th ed. (New York: Oxford University Press, 1998), pp. 620–27.

[50] See Trías Monge, *Puerto Rico*, chap. 14.

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status problem by enabling local political leaders to continue making the hollow promise that Puerto Ricans can have "the best of both worlds." In addition, the presence of this option in the status debate simply perpetuates the conditions that feed Puerto Rican rhetorical nationalism and cultural pseudo-separatism, without correspondingly reducing Puerto Ricans' desire for permanent union with the United States. In sum, enhanced commonwealth, of which the Proposal is the boldest formulation to date, is a political and legal nonstarter and the source of the very problem the United States hopes to avoid.

Accordingly, what the U.S. government should be doing with respect to Puerto Rico is explaining why enhanced commonwealth is not a viable solution to the colonial problem—and, for the benefit of those who cannot yet reconcile Puerto Rican identity with equal U.S. citizenship, why statehood would not mean the death of Puerto Ricanness.

Statehood and Puerto Ricanness

The prediction that statehood would lead to an American Quebec comes in the form of blunt assertion as often as reasoned argument, and is obviously deployed as a scare tactic. Yet the analogy has proven effective in large part due to the ignorance and misinformation about Puerto Rico that prevail on the mainland.

Return to Gerda Bikales of English Language Advocates. "America will not accept into its fold a new political entity with all the characteristics of a foreign nation." With confidence, Bikales assures her readers that the United States would reject a Puerto Rican petition for statehood, and she assumes that they will understand that their "foreignness" supplies a self-evident ground for such rejection. But Bikales's statement, like other such warnings, inadvertently reveals—or, perhaps, consciously promotes—a fundamental misunderstanding of Puerto Rico's current relationship to the United States.

The false axiom underpinning this warning is that the United States has not *already* accepted Puerto Rico into its fold. In fact, the United States long ago effectively subsumed Puerto Rico into its sphere of sovereignty, declaring the island entirely devoid of its own sovereignty and absolutely subject to plenary congressional authority, even after Puerto Rico began to enjoy powers of local self-government delegated to it by Congress. As a practical matter, the federal presence on the island differs hardly at all from the federal presence in the states; if anything, it is more overwhelming. With few exceptions determined entirely by Congress at its discretion, federal laws apply on the island as they do elsewhere in the United States.[51] Federal

[51] See generally David M. Helfeld, "How Much of the United States Constitution and Statutes Are Applicable

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agencies operate there. Federal courts do as well: Puerto Rico belongs in the First Circuit along with Maine, New Hampshire, Massachusetts, and Rhode Island, and cases originating in Puerto Rico follow precisely the same procedures as cases originating anywhere else in the United States, all the way to appellate review before the U.S. Supreme Court. A United States Attorney's office prosecutes cases there in precisely the same manner as in any of the states. Consistent with their U.S. citizenship, Puerto Ricans carry U.S. passports and travel freely throughout the states. On establishing residency in a state (which they can do in the same manner as any other U.S. citizen, without any special arrangement), they obtain full and equal rights. According to recent estimates, 3.1 million U.S. citizens of Puerto Rican descent already live in the United States. In short, it is difficult to imagine that the United States could accept Puerto Rico any further into its fold.

Yet opponents of statehood who insist that Puerto Ricans remain too "foreign" for acceptance into the Union rarely voice objection to the current arrangement. In their view, evidently, "foreignness" does not pose an obstacle to intimate association; it simply poses an obstacle to equality.

The same cannot in fairness be said of supporters of enhanced commonwealth status, who obviously do not accept Puerto Rico's current colonial condition. It is more accurate to say that their view implies the reverse: not that "foreignness" poses an obstacle to equality, but that equality poses an obstacle to "foreignness," as in cultural uniqueness and distinctness. The reversal is significant. To say that cultural identity poses an obstacle to equality is to suggest that citizens who do not fit into a cultural mold should be denied equality before the law—an idea rightly rejected under American constitutional law (in principle, if not yet in the territories). To say, on the other hand, that equality poses an obstacle to cultural identity is to suggest that the idea of equality itself, at least as it has evolved in American constitutionalism, is oppressive insofar as it demands a high degree of assimilation from culturally distinct groups. The former suggests that groups should somehow modify or erase their cultural identities; the latter implies that Americans should strive to bring their practice of equality closer to their idealized conception of it.

Nevertheless, the question remains whether the equality to be gained from statehood does indeed pose a threat to Puerto Rican identity and whether, as a result, statehood would indeed trigger more insistent Puerto Rican demands for special recognition, thereby proving its opponents right.

In order to arrive at an answer, one must assess to the extent possible what would be at risk were Puerto Rico to become a state. Although an exhaustive analysis of Puerto Rican identity is beyond the scope of this article, a recent study of the concept provides a useful starting point. The study,

to the Commonwealth of Puerto Rico?" *Federal Rules Decisions*, vol. 110 (1986), p. 452.

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authored by cultural studies professor Nancy Morris, was based on a series of in-depth interviews with Puerto Rican political leaders and focus groups that included members of the various political parties' youth organizations and students at the University of Puerto Rico. Based on her findings, Morris compiled a list of the most common unprompted responses to the question of what constitutes "Puerto Ricanness":

> nation/nationality, three cultures (Taíno Indian, African, and Spanish), the mix of four cultures (including American), history, worldview, lifestyle, celebrations, traditions and customs, Spanish language, Puerto Rican dialect,[52] music, food, hospitality and generosity, religious values, Latin elements, Olympics/sports, Miss Universe, historical Puerto Rican, contemporary Puerto Rican, flag, anthem, pride[53]

Numerous items on Morris's list figure prominently in the political rhetoric of statehood opponents, but it is immediately obvious that the vast majority of them would in no way be jeopardized by statehood, even on the most draconian assessment of the level of assimilation that statehood might imply. It strains credulity to suggest that statehood would threaten Puerto Rico's history, lifestyle, celebrations, traditions, customs, the hospitable and generous nature of its people, or even its flag and its anthem, which (like those of the fifty states) would remain in place under statehood. More important, statehood would not threaten most of these features of Puerto Rican identity any more than does the current level of intercourse under commonwealth.

Four items on the list, however, stand out as potentially inconsistent with statehood: the familiar "nationhood" concept, the Spanish language, the Puerto Rican Olympic team (which competes as a separate national team), and participation as a separate nation in beauty pageants such as the Miss Universe competition. Of these, the latter two play an embarrassingly prominent role in a debate that is ultimately about the basic democratic rights of a people. Clearly it is the former two that warrant serious attention.

In Puerto Rico's status debate, the term *nationhood* refers sometimes to the formal or juridical concept of a sovereign and independent nation-state, and at other times to the informal concept applied to a people with a shared history, culture, language, and traditions. The PDP Proposal deploys the term in both senses, referring on the one hand to various characteristics of "Puerto Ricanness" and on the other to formal qualities of separate sovereignty such as the power to enter into treaties and to control immigration policy. Notably absent from Morris's list of unprompted responses, however, are the formal qualities of sovereignty. As Morris found, when one asks

[52] Although Morris uses the term "dialect," Puerto Rican Spanish is not a distinct dialect. The term refers rather to traditional Puerto Rican terms or turns of phrase.

[53] Nancy Morris, *Puerto Rico: Culture, Politics, and Identity* (Westport, Conn.: Praeger, 1995), p. 71.

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Puerto Ricans what constitutes Puerto Ricanness, they do not speak of the supremacy of the local constitution over its federal counterpart or the power of nullification; they speak of the music, the food, and the way of life.[54] In light of the persistently meager performance of independence at the polls, this should come as no surprise.

Of the four items singled out above, language occupies center stage in the debate over status. It also deserves the most serious attention, both in Puerto Rico and in the rest of the United States. From the Puerto Rican point of view, obvious concerns exist since Congress could, and probably would, impose English-language requirements on an entering state of Puerto Rico (as it could choose to do as a condition of Puerto Rico's remaining a commonwealth). Opponents of statehood regularly cite this fact in an attempt to equate Puerto Rican statehood with the eradication of Spanish on the island. They reject the contention of statehood supporters that Puerto Ricans can and should be a fully bilingual population, and that a properly crafted English-language policy would serve that goal rather than destroy Spanish. That argument, they say, is merely a ploy to camouflage the risks of statehood. But the effects of English-language requirements on the Spanish language in an entering state of Puerto Rico cannot be assessed in the abstract.[55] Rather, such policies would have to be assessed on their merits.

From the U.S. perspective, however, anxieties over the impact of language on Puerto Rican statehood have little to do with the survival of Spanish (although the rapid growth of the Hispanic population in the United States suggests that an entering state of Puerto Rico would not be alone in resisting excessive English-language requirements). Rather, these anxieties revolve around that familiar, if vague, fear: the specter of Quebec. The fact that a large majority of Puerto Ricans speak only or predominantly Spanish figures prominently in anti-statehood sentiment on the mainland.

The view that the prevalence of Spanish in Puerto Rico provides a sound basis upon which to resist Puerto Rican statehood is, in short, not very persuasive. Essentially, it suffers from the same flaw that assertions of Puerto Rican "foreignness" generally do: both overlook the inconvenient fact that the relationship to which language allegedly poses an obstacle already exists. In other words, one may reasonably have concerns about the problems of governing a population that speaks a different language from the majority of the citizenry, but the U.S. already governs Puerto Rico, and has done so for more than a century. As is the case with Puerto Rican "foreignness," it is not at all clear why the Spanish language is any more inconsistent with statehood

[54] See ibid., pp. 76–77. Of the interviewees Morris quotes on the topic of Puerto Rico as a nation, one (an independence supporter) mentions "sovereignty," while the rest speak of such things as culture, history, language, and customs.

[55] On language as the principal site of controversy in the status debate, see Frances Negrón-Muntaner, "Spanish Only Jamás But English Only Cuidado: Language and Nationalism in Contemporary Puerto Rico," in Grosfoguel and Negrón-Muntaner, eds., *Puerto Rican Jam.*

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than with the current level of association and the pervasive federal presence in Puerto Rico. Those who cite language as the reason to reject statehood do not explain why language poses no obstacle to the current exercise of federal sovereignty in Puerto Rico, or why, in light of that sovereignty, language should stand in the way of full legal equality for the U.S. citizens who live in Puerto Rico.

Ultimately, Puerto Rican statehood means full equality, not (further) assimilation. The principal consequences of statehood—voting rights, a corresponding obligation to pay federal income taxes, and the attainment of sovereignty on a par with the other states—would mark a deeply significant transformation, to be sure, but not because they would bring Puerto Rico and the United States closer in any nebulous cultural sense. Puerto Rico's cultural pseudo-separatists and their allies on the mainland try to suggest that a more profound inconsistency exists between statehood and Puerto Ricanness, but their claims do not withstand scrutiny. Statehood *is* inconsistent with the desire of a local governing elite to exercise special sovereign prerogatives, but such prerogatives have a tenuous relationship to the survival of Puerto Rican culture. Thus, statehood may pose a difficult choice for those members of the governing class who would like to see themselves as the spokespeople of a pseudo-national entity, but this hardly translates into an impossible choice between equal citizenship and cultural dignity, regardless of the protestations of the purveyors of rhetorical nationalism and their stateside bedfellows.

Why should language stand in the way of full legal equality?

Viable Status Options Are the Only Solution

The status problem may look like Puerto Rico's problem. Mostly, it is. The destructive effects of colonialism have played out in Puerto Rico almost entirely unnoticed by the vast majority of Americans. Former governor Hernández Colón captures the experience when he writes that the status debate "divide[s] the people [of Puerto Rico] and breeds unending conflict. . . . At least 75% of the voters align themselves with status options, as opposed to candidates, programs or solutions to pressing problems. It is as if breaking up the Union into 50 pieces, or redefining the states to cut their number in half, were the only dominant issues in every presidential election in the U.S."[56]

But Puerto Rico's status is not Puerto Rico's problem alone. If the United States truly wants to avoid an American Quebec, then it must resolve Puerto Rico's status problem rather than avoid it. The persistent inequality

[56] Rafael Hernández Colón, *La nación de siglo a siglo y otros ensayos* (The nation from century to century and other essays) (Hato Rey, P.R.: Ramallo Bros. Printing, 1998), p. 230.

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and uncertainty that characterize the current colonial condition perpetuate a set of conflicting desires that the United States should be anxious to discourage. Yet Congress continues to practice empire by deferral, thereby stoking Puerto Rico's frustrating mix of rhetorical nationalism, cultural pseudo-separatism, and intense commitment to permanent union and U.S. citizenship.

Congressional implementation of a process of self-determination offering viable status alternatives is the only way forward. Under internationally recognized standards of decolonization (and consistent with the current U.S. constitutional structure), three solutions exist for Puerto Rico's status dilemma: full integration as a state in the Union; full separation as an independent, sovereign entity; and free association.[57] The third option resembles enhanced commonwealth in that it involves a sovereign-to-sovereign agreement under which one entity delegates limited powers to another. But it differs from enhanced commonwealth in the crucial respect that free association does not mutually bind the parties, and requires that both parties be free to exercise their right of self-determination, that is, the right to terminate the agreement.[58]

A fourth option—amendment to the federal Constitution—could bind the parties together in a relationship other than statehood, including enhanced commonwealth. Although, as noted above, the advocates of enhanced commonwealth steadfastly reject the claim that an amendment would be required to implement their preferred status, any serious process of self-determination that includes the option must overcome this objection. No one, after all, would accept a definition of statehood that suggested that Puerto Rico could somehow become a state without congressional acquiescence; no one would accept a definition of independence that granted Puerto Rico two senators and six representatives. Similarly, no one should accept a definition of enhanced commonwealth that omits the basic constitutional prerequisite for its implementation.

That said, the United States has little, if any, interest in agreeing to such an option, even in its constitutional form. In its unconstitutional version, enhanced commonwealth encourages a rhetorical nationalism and cultural pseudo-separatism that are inconsistent with the American commitment to individual equality before the law. In its constitutional formulation, enhanced commonwealth simply does more of the same with constitutional sanction—it creates a de jure American Quebec. Ultimately, whether the U.S. should agree to offer such an option is a matter to be resolved as part of a

[57] See generally Antonio Cassesse, *The Self-Determination of Peoples: A Legal Reappraisal* (Cambridge, U.K.: Cambridge University Press, 1995), pp. 67–100; see also Howard Loomis Hills, "Compact of Free Association for Micronesia: Constitutional and International Issues." *International Lawyer*, vol. 18 (1984), p. 583 (discussing the implementation of self-determination in the U.S. constitutional context and consistent with international standards).

[58] See Hannum, *Autonomy*, p. 17.

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process of decolonization—but first, the United States must set the process in motion.

The United States and Puerto Rico would both benefit greatly from resolving the fundamental problems of inequality and uncertainty that afflict their current relationship. This unresolved colonial condition has fostered Puerto Rico's damaging brand of ambivalent politics—a politics that mirrors the ambivalence characterizing U.S. policy toward Puerto Rico ever since Justice Edward Douglass White coined the phrase "foreign in a domestic sense."

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Review Essays

Cold War, but No Garrison State

by Andrew P. N. Erdmann

In the Shadow of the Garrison State: America's Anti-Statism and Its Cold War Grand Strategy. By Aaron L. Friedberg. (Princeton, N.J.: Princeton University Press, 2000. 362 pp. $69.50; $21.95, paper.)

A Cross of Iron: Harry S. Truman and the Origins of the National Security State, 1945–1954. By Michael J. Hogan. (New York: Cambridge University Press, 1998. 525 pp. $37.95; $22.95, paper.)

The Cold War is over, but it bequeathed to the United States an enduring legacy: a military whose unprecedented power and importance utterly transformed the federal government and thereby helped create the modern American state. A decade after the Soviet Union's demise, the military's influence continues to pervade the entire society, if not always in obvious ways. For example, a biologist who receives a research grant from the Department of Defense reaps the benefits, wittingly or not, of Cold War–era largesse, as do those helped by her subsequent discovery of a new antibiotic. Of course, the U.S. military's influence continues to be felt beyond American borders as well.

Comparisons between American military strength before the Second World War and today highlight its remarkable growth in both relative and absolute terms. In the late 1930s, U.S. naval power was respectable, but with regard to active army manpower the United States placed behind not only France, Germany, Great Britain, Italy, Japan, and Russia, but also the likes of Poland and Romania.[1] By the close of the twentieth century, however, the United States spent more on defense than all the nations of Europe combined, including Russia. Expenditures measured in constant (1992) dollars convey

[1] E. Eastman Irving, ed., *The World Almanac and Book of Facts for 1938* and *1939* (New York: New York World-Telegram, 1938, 1939), pp. 706 and 948, respectively.

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the magnitude of this shift. In 1940, with war raging in Europe, the United States spent under $23 billion on national defense. In 1999, at a time of relative peace, it spent nearly ten times that amount.[2] Moreover, the Cold War legacy resides today in the very fabric of the U.S. government. "Because of the enormous resources at its disposal," General William Odom has argued, "the Pentagon defines foreign policy in ways no other department, including the State Department, can."[3]

The intriguing puzzle, however, is not that the American state became militarized, but rather that it did not become even *more* so. After all, in the aftermath of the Second World War, the United States quickly perceived the Soviet Union as a new adversary with expansive ambitions, a hostile ideology, and growing power. The "lessons" of the 1930s taught Americans the wisdom of stopping a challenge from a totalitarian regime sooner rather than later. Deterrence demanded military strength and the will to use it. Recent experience also taught that modern warfare required harnessing all the resources of society. With the images of Dresden and Tokyo as well as Hiroshima and Nagasaki fresh in their minds, moreover, Americans understood that their homeland would probably suffer unprecedented destruction at the outbreak of another world war. Inevitable uncertainties about their opponent's intentions then exacerbated their security concerns. The quest for security led the Soviet state to pursue the steady accumulation and centralization of power and the relentless extraction of resources from society, a strategy that ultimately strained its economy to the breaking point. But the United States chose a different path and thus averted becoming a "garrison state." Why?

Michael Hogan's *A Cross of Iron* and Aaron Friedberg's *In the Shadow of the Garrison State* are two superb studies that help answer this critical question by focusing upon an essential, yet often-slighted dimension of American national security policy. Researchers typically wade through reams of policy papers, the files of National Security Council deliberations, and stacks of contingency plans to elucidate the grand strategies of containment. Absent the necessary manpower, money, and material to implement them, however, these strategies would have remained lifeless. Hogan and Friedberg offer novel investigations of the critical decisions and trade-offs that realigned American institutions and reallocated the country's resources during the early Cold War.

Hogan's and Friedberg's efforts nicely complement one another.

[2] The United States also outspends the next seven greatest military powers combined, listed in descending order of defense expenditures: Russia, Japan, China, France, United Kingdom, Germany, and Italy. International Institute for Strategic Studies, *The Military Balance, 2000–2001* (Oxford: Oxford University Press, 2000), pp. 19, 297–301; Office of Management and Budget, *Historical Tables, Budget of the United States of America, Fiscal Year 1999* (Washington, D.C.: U.S. Government Printing Office, 1998), pp. 103–9.

[3] Quoted in Lawrence F. Kaplan, "Containment," *New Republic*, Feb. 5, 2001, p. 20. See also Ernest R. May, "The U.S. Government, a Legacy of the Cold War," *Diplomatic History*, Spring 1992, pp. 269–77.

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Hogan is a historian with a theoretical bent, whereas Friedberg is a political scientist possessing genuine historical sensibility.[4] Deeply immersed in the primary documentation, Hogan offers a fine-grained reconstruction of the policy-making processes behind the founding of the American national security state, exploring the complex interplay of forces that informed the National Security Act of 1947, the creation of the Department of Defense, military research and development, the control of atomic weapons, the fight over Universal Military Training, and the recurring struggles over the budget. Throughout his investigation, Hogan stresses how the inherited language and values of American "traditional political culture," encompassing anti-militarism and anti-statism, interacted with new conceptions of "national security" to shape American policy in the first years of the Cold War.

Friedberg takes a slightly different tack, relying upon secondary accounts and published source material supplemented by occasional forays into the archives. Taking a broader view than Hogan, he explores the implications of the early Cold War developments for the conflict's eventual outcome. Borrowing historian Alan Milward's notion of "strategic synthesis," Friedberg seeks to illuminate what factors critically influenced the balance between the United States' "external military strategy and its internal program of power creation" (p. 65). He investigates the state-society nexus and the mechanisms by which the central government extracted or directed the allocation of resources to sustain its military power in five main policy areas: money, manpower, industrial expansion and mobilization, weapons production, and technological innovation and development.

Whatever their differences, both authors ask the same basic question, namely, what checked the development of the American national security state? The evidence leads them both to the same general conclusion: "the most important constraints on the national security state were those built into the country's democratic institutions and political culture" (Hogan, p. 475). Just as important, by illuminating the critical phase of American state formation during the Cold War and how it established the framework that endures to the present day, they reaffirm the contemporary relevance of historical inquiry and offer a healthy corrective to arguments against the continued study of American national security policy. Considered together, these works highlight the strengths of recent scholarship and suggest the direction in which it must move in the future.

[4] See Aaron L. Friedberg, *The Weary Titan: Britain and the Experience of Relative Decline, 1895–1905* (Princeton, N.J.: Princeton University Press, 1988); Michael J. Hogan, *Informal Entente: The Private Structure of Cooperation in Anglo-American Economic Diplomacy, 1918–1928* (Columbia: University of Missouri Press, 1977); Michael J. Hogan, *The Marshall Plan: America, Britain, and the Reconstruction of Western Europe, 1947–1952* (New York: Cambridge University Press, 1987).

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American Traditional Values Confront the Cold War

Both authors frame their analyses in terms of an ongoing dialectical interaction between national security concerns and traditional anti-statism. "The power-creating mechanisms put in place during the first fifteen years of the Cold War," Friedberg argues, "can best be understood as the product of a collision between these two sets of conflicting forces" (p. 4). The interplay of these considerations appears not only in debates between political adversaries, but also within individual statesmen such as Harry S. Truman and Dwight D. Eisenhower. The stakes were high. The nation's "soul" hung in the balance (Friedberg, p. 58; Hogan, p. 266). The Cold War, in other words, entailed a struggle for hearts and minds at home as well as abroad.

Both analyses begin with snapshot portraits of the tensions between national security concerns and anti-statism emerging from the Second World War. Many Americans, aware that technology would make a future conflict cataclysmic for their country, called for "preparedness" and new institutions to ensure their security in a shrinking and ever more dangerous world. Other voices, however, reminded Americans of their traditional fear of standing armies, strong central government, entangling overseas commitments, and fiscal profligacy. These voices demanded a retraction of both federal power, which had expanded during the New Deal and Second World War, and the nation's overseas commitments. Friedberg's succinct sketch is particularly clear and insightful, and should be required reading for all students of twentieth-century American history (pp. 34–61).

While both works trace anti-statist convictions back to the nation's founding and before, neither of them adequately elucidates the origins of the national security state in the decades before the Second World War. The tension between anti-statism and the demands of restructuring the American state to cope with new international challenges was unmistakable in the outburst of reform following the Spanish-American War, which laid bare the military services' gross organizational deficiencies for waging modern war. Although limited in effectiveness, the reforms of that era—including the Navy General Board, the Army General Staff, and the Joint Army and Navy Board—laid the foundations for the subsequent, more fully articulated national security state. Strangely, Friedberg omits this wave of reform from his list of "critical episodes in American state-building" (p. 20). In the debates over the creation of the Joint Staff in the late 1940s, for instance, one hears echoes of the Progressive Era arguments between anti-statists and advocates of a stronger military apparatus concerning the formation and size of the Army General Staff. Furthermore, the First World War's impact upon Americans' conception of warfare and national security also merits serious attention. The Food Administration, the Fuel Administration, the War Industries Board, and the government's seizure of the railroad industry taught Americans that modern war demanded the mobilization of all of society's resources, a lesson reaf-

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firmed more than two decades later in the Second World War. Following the First World War, moreover, Americans fully appreciated that "the policy and strategy of a nation are interrelated and neither can be carried on efficiently without the regard for the other."[5] To be sure, entrenched bureaucratic interests combined with anti-statist norms to stymie many permanent institutional reforms. Nevertheless, the intellectual seeds for many of the reforms after the Second World War had been planted years before Pearl Harbor.

Hogan rightly labels the National Security Act of 1947 the national security state's "Magna Charta." It established the basic national security organizations—the Central Intelligence Agency, the National Security Council, the Joint Chiefs of Staff, the U.S. Air Force, and the Office of the Secretary of Defense—that carried the nation through the Cold War and beyond. It should be stressed that the wrangling among the military services over this reorganization of the postwar state began before the guns fell silent in Europe and the Pacific. The 1947 act, therefore, is better understood as the closing act of reform inspired by the Second World War than as the opening salvo in the struggle with the Soviet Union.

If the National Security Act provided the skeleton for the national security state, the confrontation with the Soviet Union fixed muscle and flesh to the bones. As Hogan and Friedberg chronicle, in the late 1940s the search for a strategic synthesis followed a recurring pattern. The armed services and their supporters sought more funds to close the growing gap between the nation's international commitments and its military capabilities. Anti-statist conservatives decried the rising "garrison state" and were more concerned with rolling back the federal government at home than with the Soviet Union's expansion overseas. In between the two, President Truman and his allies struggled to find a balance.

By the first half of 1949, optimistic about the prospects for international stability following the lifting of the Berlin blockade, NATO's founding, and Western Europe's economic recovery, Americans hoped to put their own domestic house in order. Both Truman and conservatives continued to gravitate toward a strategic synthesis that stressed strategic air power and thus promised to contain defense budgets. Both sides sought to avoid deficit spending while realizing their respective domestic agendas. For Truman, capping defense spending would permit the funding of his Fair Deal initiatives; for Ohio senator Robert Taft and other conservatives, reducing the entire budget remained a prerequisite for tax cuts that would retract the federal government's intrusive power.

Before retiring as secretary of state, George Marshall articulated a strategic vision that emphasized a division of labor within the NATO alliance:

[5] Secretary of War John W. Weeks and Secretary of Navy Edwin Denby to Secretary of State Charles Evans Hughes, Dec. 7, 1921, 110.7/123, Record Group 59, General Records of the Department of State, Central Decimal File, 1910–29, box 990, National Archives II, College Park, Md.

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the Europeans would provide the main ground forces, while the United States furnished the air, naval, and nuclear forces, along with economic assistance to its allies. "Such a strategy," Hogan perceptively concludes, "anticipated the New Look of the 1950s" (p. 165). In July 1949, Truman hoped to limit the military's 1951 budget to $13 billion. The conjunction of NSC 68 and the Korean War, however, dashed such hopes for containing the defense budget. The number of books investigating the critical events of 1950 would likely fill a small library. That these two volumes help us to comprehend better these seemingly familiar developments and their manifold implications is a testament to their insightfulness.

After the Soviet atomic test in August 1949 and Mao Zedong's victory in China, communism appeared once again to be on the march. Equally important, these developments were seen through new eyes in Washington. In 1949, Hogan stresses, a critical shift in the balance of power occurred within the Truman administration between the "economizers" and those advocating a more muscular (and expensive) defense posture. To be sure, Louis Johnson, a staunch proponent of cuts in defense spending, replaced James Forrestal as secretary of defense. Johnson's bluster, however, was more than balanced by the weight of Dean Acheson, who took over for George Marshall as secretary of state; Paul Nitze, who replaced George Kennan as director of the Policy Planning Staff; and Leon Keyserling, who succeeded Edwin Nourse as chairman of the Council of Economic Advisors. Furthermore, the less influential Frank Pace replaced James Webb as director of the Bureau of the Budget. Truman thereby lost his strongest allies in the struggle to moderate defense spending.

Acheson and Nitze then orchestrated NSC 68's famous call to arms. To move Washington bureaucrats, congressmen, the American public, and, ultimately, President Truman to accept a more expansive Cold War strategy, NSC 68 portrayed the Soviet challenge (in Robert Lovett's words) with "Hemingway sentences" as a contest pitting good against evil (Hogan, p. 301). The strategy called for a defensive buildup sufficient to support the "rollback" of Soviet power. Whether Truman would have increased the defense budget without the Korean War remains unclear, but it is likely that any increase would have been trimmed to accommodate Truman's enduring fiscal conservatism. "A 30 percent increase in military expenditures was plausible," Friedberg concludes, but "a 300 percent increase was not" (p. 115).

The outbreak of the Korean War on June 25, 1950, seemingly confirmed NSC 68's assessment of the Soviet threat and thereby boosted the chances that its program would be adopted. The impact upon the American state came in two waves. The initial response to the North Korean invasion propelled the first. Friedberg recalls that the Selective Service law expired on June 23; the United States stood ready to complete "the transition to an entirely voluntary military format" (p. 177). Instead, with the outbreak of war, Congress reflexively extended the Selective Service system, locking it in place

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until the 1970s, when the military finally returned to an all-volunteer force. The Korean War also breathed life into the previously moribund National Security Council, turning it into a critical policy-making mechanism.[6] The explosion of the defense budget, however, proved to be the most important impact of the war. Yet even under the pressure of war on the Korean peninsula and growing concerns for Europe's security, Truman and his allies in the Treasury Department, the Bureau of the Budget, and the Pentagon sought to moderate the military expansion. By November 1950, the economizers had succeeded in cutting the supplemental requests proposed by the Joint Chiefs.

Then came the second wave. On November 25, 1950, "the economizers were again thrown on the defensive" by the massive Chinese intervention in the Korean War (Hogan, p. 311). Within weeks, Truman approved the acceleration of the defense buildup from four years to two, the addition of more than $12 billion to the administration's supplemental budget requests, the creation of the Office of Defense Mobilization to oversee the civilian economy's mobilization, and the imposition of intrusive wage and price controls. In January 1950, Truman had requested less than $14 billion in the fiscal year 1951 budget for defense; by year's end, he had sought nearly $43 billion. Thus, under the pressure of the Korean War, the United States had moved away from the president's original strategic synthesis centered upon American air power toward NSC 68's fully diversified warfighting posture.

This commitment, however, proved short lived because the forces of anti-statism regrouped and, as soon as the front stabilized in Korea, launched a counterattack of their own. In the summer of 1951, Congress balked at increasing taxes enough to cover the defense buildup. Budget deficits ballooned, the economy faltered, and Truman's popularity plummeted. The initial momentum behind NSC 68's crash defense program stalled. Within the administration, the voices of moderation once again dominated. In December 1951, Truman slowed the pace of the buildup. Congress went further, slashing the president's request for the 1953 defense budget by roughly 10 percent. The ax fell mostly upon the army, but spared the air force, which received approximately 44 percent of military expenditures in the final budget. All the while, fighting continued in Korea.

President Eisenhower then completed the transition away from NSC 68's strategy to a more restrained and therefore less burdensome strategic synthesis. Like his predecessor, Eisenhower sought to balance his fiscal conservatism against his belief that the United States had to provide the bulwark of the West's defense against the communist threat. While he dismantled the Office of Defense Mobilization and expanded the nation's continental defense program, his New Look harkened back to the strategic

[6] Anna Kasten Nelson, "President Truman and the Evolution of the National Security Council," *Journal of American History*, Sept. 1985, pp. 360–78.

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synthesis that had begun to take shape before the Korean War. Such continuities are hardly surprising, since Eisenhower had helped devise the pre–NSC 68 policies while serving as acting chairman of the Joint Chiefs of Staff in early 1949. The United States would provide the capital-intensive elements of defense—air, naval, and atomic power—buttressed by a mobile reserve, while providing military aid to enable allies to furnish most of the ground forces. As many Republicans on Capitol Hill complained at the time, the costs of the New Look did not seem that new. Eisenhower contained defense spending, but he could not roll it back to its pre–Korean War level.

Both Truman and Eisenhower recognized the high costs of maintaining the national security state. Hogan suggests these costs strangled the expansion of the welfare state following the Second World War. Here perhaps he exaggerates his case. Even without the Cold War, whether the more ambitious elements of the Fair Deal ever stood a good chance of adoption remains debatable. After the turmoil of the 1930s and 1940s, many Americans sought stability and enjoyment in the relative peace and prosperity of the 1950s. Anti-statist conservatism reasserted itself, while liberalism was being transformed. The Republicans, after all, won congressional majorities in 1946 and 1952. Furthermore, even when the Democratic Party controlled Capitol Hill, conservative Southern Democrats often allied themselves with Republicans to check Truman's domestic agenda, just as they had a decade before to stymie the New Deal.[7] While there is no denying the costs of waging the Cold War, defense expenditures did not crucify the United States on a "cross of iron" as Eisenhower feared. Contrary to Hogan's conclusion, the United States did *not* become a "warfare state" (p. 361). Under John F. Kennedy, national defense spending fell below 50 percent of total federal outlays for the first time since the Korean War. A decade later, under Richard Nixon, non-defense-related payments to individuals surpassed national defense spending as a percentage of outlays, and national defense never again dominated federal expenditures.[8] Over the long run, in other words, U.S. economic growth allowed Americans to have both guns and butter.

Over the long run, economic growth allowed Americans to have both guns and butter.

This economic dynamism provides the linchpin for Friedberg's compelling argument for American anti-statism's central importance to explaining the outcome of the Cold War. As both Hogan and Friedberg amply demonstrate, American anti-statism significantly restrained the federal government's attempts to harness power and direct resources during the Cold War, thereby helping to preserve an independent civil society and creative, growing economy. "These sources, often described as contributing to the 'weakness' of the

[7] Regarding the Fair Deal's prospects, see Alonzo L. Hamby, *Man of the People: A Life of Harry S. Truman* (New York: Oxford University Press, 1995), pp. 488–508.

[8] Office of Management and Budget, *Historical Tables*, pp. 105–9.

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American state," Friedberg concludes, "were, in the long run, sources of profound strength" (p. 340). His brief comparisons to the Soviet Union underscore this point. The centrally directed Soviet economy simply could not match the growth and technological innovation of the U.S. system. Eventually, these weaknesses proved critical to the Soviet Union's collapse.

When considered against the broad sweep of the twentieth century, the evolution of the American state during the Cold War suggests a basic pattern of change. Proposals for rational reform, greater efficiencies, and increasing centralized power often have long gestation periods during which anti-statism and simple bureaucratic rigidity can frustrate their realization. Incremental improvements are possible, as demonstrated by the reorganization of the Defense Department in 1949, 1953, and 1959. Significant realignments, however, usually must await a crisis or tragedy. Only such a jarring event renders institutions sufficiently plastic that reform proposals, if they hold promise of preventing the recurrence of such problems, stand a chance of being implemented. When memories of the crisis fade and traditional anti-statist and bureaucratic forces reassert themselves, the institutional structure once again hardens. Windows of opportunity open only briefly.

Beyond the Dialectics of Anti-Statism Versus National Security

The tension between anti-statism and the imperatives of national security explains much of the American state's evolution during the Cold War, but not everything. "Ideology," Friedberg writes, "shapes the contours of the terrain, even if it does not determine the road that will finally be taken; it lays out signposts and warning signals that lead policy makers down certain paths and cause them to avoid or overlook others" (p. 22). Although Hogan and Friedberg sometimes strain against the boundaries of their interpretative frameworks, both are too scrupulous to sweep the complexities of the past under the rug for the sake of theoretical cleanliness. Furthermore, American traditions proved quite protean. As Hogan repeatedly stresses, opposing sides invoked the same symbols, values, and images, such as the specter of the "garrison state."[9] Their invocation sometimes reflected sincere commitment, but sometimes merely instrumental rhetoric. Inherited traditions and institutions, along with perceived new security imperatives, established the boundaries within which compromises could be negotiated. These boundaries, however, remained wide enough not to predetermine any specific policy or institutional alignment. Ultimately, individual judgments and the give and take of politics determined the outcome. Only focused investigations uncovering the reality behind the rhetoric allow us to comprehend the full interplay of factors shaping the American state and strategic synthesis.

[9] See, for example, Hogan, *Cross of Iron*, pp. 18, 94, 120–31, 148, 156–58, 266, 289, 424, 447, 461.

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Behind many of the conflicts over American Cold War policy lie different judgments and assessments of risks. The clash between Charles Bohlen and Paul Nitze over the nature of the Soviet challenge and the American response to it reflected sincere differences of judgment, as did the heated disputes between Edwin Nourse and Leon Keyserling over how much defense spending the U.S. economy could bear. Reasonable people's judgments will differ in the face of real uncertainty and limited knowledge. These differences can be neither reduced to the polarity of anti-statism versus national security nor explained away as mere epiphenomenal reflections of other interests.

Parochial interests, of course, mattered as well. Hogan in particular covers the complex crosscurrents of interest shaping policy within the executive branch and the military services. The internecine fight over unification of the armed forces epitomized how these interests fundamentally affected American policy and institutions during the early Cold War. Emerging from the Second World War, the army proposed a plan for unifying the armed forces in one department with a single civilian secretary and a single military chief of staff. Navy leaders, decrying the scheme as a threat to the cherished tradition of civilian control over the military, countered with the Eberstadt Report, which proposed maintaining the military services separately within a less centralized framework for coordinating military and foreign policy. As Hogan details, however, they jettisoned this public reverence for the primacy of civilian authority as soon as it clashed with their main interests. According to Robert Donovan, the unification issue "aroused such passion in Washington because it affected careers, pride, tradition, the roles of air, sea, and land power, political influence, and allocation of funds among the military services."[10] Secretary of the Navy James V. Forrestal warned all who would listen, "We are fighting for the very life of the Navy."[11] Through alliances with important members of Congress, implicit and explicit threats to resign, and pure stubbornness that infuriated even his friends, Forrestal fought unification tooth and nail. The navy's uniformed leadership proved even more zealous than the secretary, and in the end, the navy won this battle. The National Security Act of 1947 ensured that a weak secretary of defense could control neither the navy's budget nor its access to the president, created an anemic Joint Chiefs of Staff, and codified in law the permanent existence of naval aviation and the Marine Corps. If ever there were a demonstration of the influence of sea power upon history, this was it. Secretary of the Air Force Stuart Symington succinctly captured the motivation behind the services' ferocious fights to preserve their prerogatives, prestige, and power when he

[10] Robert J. Donovan, *Conflict and Crisis: The Presidency of Harry S. Truman, 1945–1948* (New York: Norton, 1977), p. 138.

[11] Clark Clifford with Richard Holbrooke, *Counsel to the President: A Memoir* (New York: Random House, 1991), p. 149.

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explained, "the more we fight for the more we're going to end up getting" (Hogan, p. 96). Such reasoning, however, is hardly peculiar to the realm of national security, either during the Cold War or today.

Both authors return repeatedly to congressional debates and hearings to chart anti-statism throughout the Cold War, giving the debates attention that is justified, to a point, by the power of the purse and the oft-noted congressional sensitivity to public opinion. Extreme, supercharged rhetoric permeated the congressional utterances of this era. To take just one example, Representative Charles Elston, an Ohio Republican, once declared the McMahon Atomic Energy Bill "one of the most dangerous" ever, one that would "deprive the American people of their liberties" (Hogan, p. 238). But it may be unwise to take his rhetoric at face value. Did Elston believe these claims, or was he manipulating familiar fears to discredit the bill for other reasons? Predictably, as both Friedberg and Hogan suggest, congressmen oftentimes sought to protect their constituents' material interests. Partisanship, of course, provides further grounds for skepticism. Many Republicans opposed Truman's proposals because he was a Democrat, and many Democrats then returned the favor after Eisenhower's election. "The Democrats, who had supported Truman's decision to stretch out the defense program," Hogan reports, "would not do the same for Eisenhower" (p. 412).

Although such observations are suggestive, neither Hogan nor Friedberg systematically probes the calculations that lay behind congressmen's public stances. In contrast to his extensive archival research in the records of the Truman and Eisenhower administrations, Hogan exploits the manuscript collection of only one senator, Robert Taft. With this exception, both he and Friedberg rely upon the public record of congressional hearings and speeches in reconstructing the congressional dimension of their stories. Furthermore, neither author analyzes voting on key bills to detect patterns suggesting the influence of regional, economic, or other factors. Consequently, whether a legislator's public facade reflected personal belief, partisanship, narrow interest, or constituent pressure remains uncertain. Such limitations, though, are symptomatic of a much broader scholarly trend. "The neglect of congressional history," Daniel Patrick Moynihan observes, "is something of a scandal of American scholarship."[12] Indeed, both Hogan and Friedberg should be applauded for emphasizing the congressional dimension as much as they do. A full understanding of the American national security state's founding, however, awaits an original, archival study of Congress and the Cold War.

Still, the portrait of Congress, along with the Truman and Eisenhower administrations, neglects another vital component of the American strategic

[12] Daniel Patrick Moynihan, *On the Law of Nations* (Cambridge, Mass.: Harvard University Press, 1990), p. 50. See also Robert David Johnson, "Congress and the Cold War: A Review Essay," *Journal of Cold War Studies*, Spring 2001, pp. 77–101.

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synthesis that goes beyond the external threat posed by the Soviet Union and the harnessing of societal forces within the United States. Correcting a misconception in Friedberg's treatment of the Eisenhower years will help throw this dimension into stark relief. Friedberg recapitulates the misleading view that the Eisenhower-Kennedy transition steered American national security policy away from crude "massive retaliation" toward "flexible response." To be sure, throughout his presidency Eisenhower insisted that nuclear deterrence remained the centerpiece of American strategy, and he rejected the notion that a major military confrontation in Europe could be held below the nuclear threshold. Nevertheless, his administration ultimately advocated policies that can be fairly described as an early version of "flexible response."[13] In 1957, for instance, NATO incorporated for the first time into its strategy the requirement for sufficient conventional forces to cope with low-level military contingencies "without necessarily having recourse to nuclear weapons."[14] Secretary of State Christian A. Herter's comments before the North Atlantic Council in the final days of the Eisenhower administration are similarly telling. "In case of an attack," Herter explained, "NATO forces should be able to meet the situation with a response appropriate to the nature of the attack." Without sufficient conventional forces, he argued, "NATO Military Commanders will not have that flexibility of response that will enable them to meet any situation with the appropriate response."[15] As Marc Trachtenberg notes, such language was "indistinguishable from the 'flexible response' rhetoric of the Kennedy period."[16]

Starting with the Truman administration, the U.S. government preferred a stronger conventional defense for Europe. Throughout his presidency, Eisenhower continued to believe that the basic division of labor within the alliance as outlined by Marshall in the late 1940s remained just and economical. Eisenhower and Kennedy did not fundamentally disagree over

[13] John S. Duffield, "The Evolution of NATO's Strategy of Flexible Response: A Reinterpretation," *Security Studies*, Autumn 1991, pp. 132–56; Gregory W. Pedlow, "The Evolution of NATO Strategy, 1949–1969," in *NATO Strategy Documents, 1949–1969*, ed. Gregory W. Pedlow (Brussels: NATO, [1997]), pp. xviii–xxi; Robert A. Wampler, "Eisenhower, NATO, and Nuclear Weapons: The Strategy and Political Economy of Alliance Security," in *Eisenhower: A Centenary Assessment*, ed. Günter Bischoff and Stephen E. Ambrose (Baton Rouge: Louisiana State University Press, 1995), pp. 162–90.

[14] "MC 14/2, Overall Strategic Concept for the Defense of the North Atlantic Treaty Organization Area, May 23, 1957," in *NATO Strategy Documents*, pp. 277–313, quotation from p. 291. See also "MC 48/2, Measures to Implement the Strategic Concept, May 23, 1957," ibid., pp. 315–33, esp. p. 327.

[15] Herter's statement to the NATO ministerial meeting, Dec. 16, 1960, in "Airgram from the Delegation at the North Atlantic Council Ministerial Meeting to the Department of State, Dec. 17, 1960," in U.S. Department of State, *Foreign Relations of the United States, 1958–1960*, vol. 7, part 1 (Washington, D.C.: U.S. Government Printing Office, 1993), pp. 674–82.

[16] Marc Trachtenberg, *A Constructed Peace: The Making of the European Settlement, 1945–1963* (Princeton, N.J.: Princeton University Press, 1999), p. 189. For the Kennedy administration's uncertain commitment to realizing its "flexible response" rhetoric, see Francis J. Gavin, "The Myth of Flexible Response: Kennedy, McNamara and American Strategy in Europe," paper presented at the 25th Annual Meeting of the Society for Historians of American Foreign Relations, Princeton University, June 25, 1999.

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these matters. Indeed, they commiserated over their shared frustrations with the European allies' failure to meet NATO force goals.[17] Both men understood that many of the strategic dilemmas that restricted the national security policies of all U.S. administrations during the Cold War—including the requirement for a forward defense strategy in Germany, the bizarre strategic nightmare posed by Berlin, ameliorating fears of a revitalized Germany, the problem of extended nuclear deterrence, and especially the NATO allies' inability or unwillingness to counter Soviet conventional forces with their own—bore the same "Made in Europe" stamp.

The American strategic synthesis, therefore, cannot be comprehended as the product of merely the interaction between external "threats" and internal "societal pressures" (Friedberg, p. 66). Rather, it emerged out of the complex interplay among domestic, alliance, and adversary factors. The game had three levels, not just two.[18] In other words, entangling alliances matter.

Looking to the Future

Today Americans again hear calls to restructure the national security state to cope with the proliferation of weapons of mass destruction, the rising terrorist threat to the U.S. homeland, and other security imperatives of the new century. The voice of the prestigious bipartisan U.S. Commission on National Security is particularly prominent. Within a month of President George W. Bush's inauguration, the commission released its final report, which warned that "without significant reforms, American power and influence cannot be sustained." In response, the commission proposed institutional reforms ranging from the Department of State's radical restructuring to fusing the Border Patrol, Customs Service, Coast Guard, and Federal Emergency Management Agency into a new homeland security organization.[19]

No matter how logical and laudable, such major structural reforms stand little chance of being realized in the current environment. Lacking a clear and present danger to focus the minds of the public and politicians alike, the combination of deeply embedded anti-statism and bureaucratic inertia will probably thwart fundamental change. Alas, if the past is any guide,

[17] Transcript of the Sept. 10, 1962, meeting between Kennedy and Eisenhower, in *The Presidential Recordings: John F. Kennedy, vol. 2, The Great Crises: September–October 21, 1962*, ed. Philip Zelikow and Timothy Naftali (New York: Norton, forthcoming 2001). See also *State Department Reform*, report of an independent task force cosponsored by the Council on Foreign Relations and the Center for Strategic and International Studies (New York: Council on Foreign Relations, 2001).

[18] On two-level games, see Robert D. Putnam, "Diplomacy and Domestic Politics: The Logic of Two-Level Games," *International Organization*, Summer 1988, pp. 427–60.

[19] U.S. Commission on National Security/21st Century, *Road Map for National Security: Imperative for Change* (Washington, D.C.: U.S. Commission on National Security/21st Century, Feb. 15, 2001); Steven Mufson, "Overhaul of National Security Apparatus Urged," *Washington Post*, Feb. 1, 2001.

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such change must await either a tragic policy failure or a new, unmistakable challenge to American interests. Until the "post–Cold War" label is superseded, the Cold War state will persist. Nevertheless, the continued promotion of such reforms remains critical, in hopes of achieving at least incremental refinement of governing institutions. Equally important, proposals must be on hand the next time misfortune strikes and the window of opportunity for structural realignment opens once again.

Michael Hogan and Aaron Friedberg offer two essential works for anyone interested in the history of the American state as well as its future reform. Despite their argument that American traditions and institutions constrained national security policy during the Cold War, both authors conclude that the specific policy outcomes were not preordained. Determined leadership can make the difference. This is one lesson of the past that deserves repeating.

How Nations Decide to Go Nuclear
by Mark T. Clark

Deterrence and Security in the Twenty-first Century: China, Britain, France, and the Enduring Legacy of the Nuclear Revolution. By Avery Goldstein. (Stanford, Calif.: Stanford University Press, 2000. 360 pp. $49.50.)

Power versus Prudence: Why Nations Forgo Nuclear Weapons. By T. V. Paul. (Montreal: McGill Queens University Press, 2000. 240 pp. $22.95, paper.)

Best of Intentions: America's Campaign against Strategic Weapons Proliferation. By Henry D. Sokolski. (Westport, Conn.: Praeger, 2001. 184 pp. $19.95, paper.)

The Coming Crisis: Nuclear Proliferation, U.S. Interests, and World Order. Edited by Victor A. Utgoff. (Cambridge, Mass.: MIT Press, 2000. 331 pp. $22.95, paper.)

At its best, theory is the search for patterns of behavior. A sound theory may help us understand the deeper causes of behavior that may not be obvious initially. When Thucydides explored the origins of the Peloponnesian War between the ancient cities of Sparta and Athens, he found that beyond the immediate problem of the competition over allegiances and alliances, Sparta's fear of growing Athenian power propelled the war. Although the political leaders at the time may have understood the proximate causes of the war,

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their possible failure to grasp the deeper sources of conflict precluded them from averting ruinous violence.

For policymakers, then, what is the practical importance of theory? Far too frequently, and often for good reason, theory is divorced from policy. Theory deals with larger patterns of behavior, not the immediate concerns of the policymaker. For the theorist, an important question is why *any* state, not just Iraq, may want to acquire nuclear weapons, and the explanation must await a fuller understanding of the phenomenon. The policymaker, however, needs the kind of urgent, practical knowledge that can help him or her decide whether to lift or enforce sanctions, strike militarily at certain production facilities, or stand down: decisions that affect the lives of citizens and soldiers of opponents and allies alike. Thus, theory is frequently viewed as useful for the academy, while only practical knowledge serves policy. The best theories, however, *should* be practical in that their main ideas and conclusions help policymakers think through the larger problems they face. To a limited extent, the works under consideration here provide some practical insights into the problem of proliferation and its consequences for U.S. policy.

Why states in the twenty-first century will acquire, forgo, or counter nuclear weapons is the concern of these scholars. All but Henry D. Sokolski's book, *Best of Intentions: America's Campaign against Strategic Weapons Proliferation*, deal with the subject of nuclear proliferation from an explicitly theoretical standpoint. That is, the authors construct—and provide evidence to support—theories about why states acquire or elect not to acquire nuclear weapons, or ally with a nuclear power to counter a third-party nuclear threat. Some go a bit further and suggest whether, and how, the acquisition of nuclear weapons may deter the United States from intervening on behalf of allies. Though less consciously theoretical, Sokolski shows how many American nonproliferation efforts have been based on flawed understandings of the nuclear threat at various times. He concludes with strategies to correct for these misconceptions and offers some hope about the nature of the problem in the future.

The theory most consistently used to explain and predict why states consider acquiring nuclear weapons in these works is realism. It is also the theory most consistently modified—or directly challenged—by these authors. To understand how it is used, modified, or challenged, it is useful to review its basic assumptions and principles. The theory of realism holds that the state is the principal actor in international politics and that it behaves in a unified, rational way. In other words, although powerful domestic forces may shape a state's foreign policy, once it acts, it does so cohesively. That it is rational simply means that the state evaluates its alternatives and selects the policies that maximize its gains and minimize its losses. The theory also assumes that the state seeks to maximize its power and defines its interests in terms of power. Finally, the theory (in its neorealist form) holds that the structure of the international system largely determines state behavior. As in

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market economics, where a monopoly of certain goods limits the choices of consumers, neorealists believe that the marketplace of international power severely limits the choices states have, even if it does not actually determine what they do.

The principal defining characteristic of international politics is anarchy, inasmuch as the absence of any political authority higher than the state constrains how states behave internationally. Since the state cannot appeal to higher authority for help or assistance, it must ensure its own security through arms production, alliances, or both. Beyond developing weapons, it may balance against a threatening state, or indeed "bandwagon" with the threatening state in the hopes of either appeasing the threat or sharing the expected spoils. Another constraint is that states are limited in how much they may depend on another state for help, since an ally today may become an adversary tomorrow. Finally, anarchy guarantees the emergence of a hierarchy of states, all more or less powerful, proximate, or hostile, further constraining the behavior of states in the international system.

A final component of realist theory is the security dilemma, defined as the hypothesis that one state's efforts to increase its security necessarily increase the insecurity of other states, whose countermeasures will in turn increase the insecurity of the initial state. Hence the dilemma: every effort to increase one state's security ultimately renders *all* more insecure over the long haul.

Cold War Realism and Post–Cold War Calculus

The most consistent use of this bundle of theory to show why states may acquire nuclear weapons is made by Avery Goldstein in *Deterrence and Security in the Twenty-first Century: China, Britain, France, and the Enduring Legacy of the Nuclear Revolution.*[1] The author, a professor of political science at the University of Pennsylvania, explains why medium-size powers such as China, Britain, and France developed nuclear weapons during the Cold War. The behavior of these second-tier powers, according to Goldstein, also suggests why some states may try to acquire nuclear weapons in the future. Each state, despite being allied with one of the two superpowers and incapable of countering the nuclear capability of the other superpower, chose to develop its own independent nuclear force. Goldstein believes the evidence from these cases suggests why nuclear weapons will remain attractive not only for great powers, but also "for many less powerful states worried about adversaries whose capabilities they cannot match" (p. 1).

Why should a state capable of developing nuclear weapons try to do

[1] Avery Goldstein is a senior fellow at the Foreign Policy Research Institute and a member of the Board of Editors of *Orbis*.

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so if it cannot possibly match the strength of a superpower? Goldstein argues first that in a bipolar balance-of-power system (the Cold War), Britain, France, and China did not comfortably embrace a dependence on superpower guarantees for their security. In any balance-of-power system under conditions of anarchy, states will fear abandonment by allies, and under bipolarity this fear is exacerbated for powers that can only marginally contribute militarily to their alliance. (A superpower, by definition, is a state whose capabilities cannot be matched by any likely combination of lesser powers. During the Cold War, the evidence for this was clear: the United States provided about 70 percent of the forces for NATO, while the Soviet Union provided 90 percent of the forces for the Warsaw Pact.)

Another reason why second-tier powers will consider acquiring nuclear weapons has to do with the logic of deterrence. Since second-tier powers are typically incapable of conventionally defending against a superpower, or at least relying on conventional defense to deter a superpower attack, nuclear weapons become the great equalizer for the weak seeking to deter the strong. Britain, France, and China developed enough nuclear weapons to create first-strike uncertainty in the minds of their superpower adversary, that is, they deployed enough weapons to undermine the confidence of the opposing superpower that it could disarm the second-tier power even in a well-executed first strike. And so long as they believed that superpowers valued possible gains less than they feared potential losses, second-tier powers needed to field only a minimum deterrent force. Second-tier powers in the post–Cold War era will likely be attracted to minimum deterrence postures for the same reason.

Goldstein concludes by discussing the legacy of the nuclear revolution. Here, the theory of neorealism suggests that policymakers should remain pessimistic about halting the spread of nuclear weapons. So long as international politics remain anarchic, states will seek every means to secure their vital interests. In an emerging multipolar world, nuclear weapons will be attractive for at least three reasons. First, they provide candidate states with the strategic flexibility to address serious threats to their security. Secondly, as the competitiveness of the bipolar system fades, smaller powers will have to find ways to use their own resources more effectively, which may foster increasing interest in nuclear weapons. Finally, multipolarity may weaken the credibility of superpower security guarantees that may have helped preclude nuclear weapons acquisition by some in the first place.

The puzzle at the heart of neorealism, however, is why threatened states that are technically capable of developing nuclear weapons refrain from doing so. Although Goldstein notes that some states decided to forgo acquiring their own nuclear arsenals only after being persuaded by superpower security guarantees, many other candidate states were apparently "satisfied" with their security situation. Hence, the neorealist model strikes many scholars as incomplete.

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"Prudential" Realism

T. V. Paul, an associate professor of political science at McGill University, seeks to resolve that problem. In his work *Power versus Prudence: Why Nations Forgo Nuclear Weapons*, he modifies the theory of realism to explain why quite a few states chose to forgo nuclear arms despite their technical capability and the presence of serious security threats. The list of nations that met either or both of these criteria includes: Argentina, Australia, Brazil, Canada, Germany, Italy, Japan, the Netherlands, Norway, South Korea, Spain, Sweden, Switzerland, Taiwan, South Africa, Belarus, Kazakhstan, and Ukraine.

According to Paul, "hard realism" really cannot answer the question, because states that have the technical capability and face a security threat would, under conditions of anarchy, theoretically be *compelled* to acquire such weapons. Indeed, as Goldstein showed in his work, fear of abandonment by allies may further compel states to acquire nuclear weapons. Contending theoreticians of the liberal school have accordingly developed several alternative explanations for nonacquisition, but none of them is completely convincing either. For example, proponents of regime theory have strived to show that states decide to forgo nuclear weapons for normative reasons. But as in the case of the nonproliferation regime, consisting of the Nonproliferation Treaty (NPT), the International Atomic Energy Agency's Full-Scopes Safeguards program, and other instruments, that theory cannot fully explain why some states acquire nuclear weapons outside of the regime (e.g., Pakistan and India), or why some states break regime rules and norms even after signing on to them (e.g., North Korea and Iraq).

Paul modifies realism with a dose of liberalism. Because "hard realism" over-predicts when and why states will acquire nuclear weapons and under-predicts nuclear forbearance, and because liberalism tends to do the opposite, he combines the two into what he calls "prudential realism." Rather than thinking about its security situation in terms of worst cases, a country will think in terms of those that are most likely: that is, a state will calculate the most likely threat to its interests, not the most extreme. It will examine its own interests, powers, and intentions, but also consider how these relate to its neighbors. Paul's "prudential realism" also allows for a country's external security situation to contribute to the decision for nuclear acquisition or forbearance. The two most important aspects of the external situation are the security interdependence (mutual vulnerability) a country has with its neighbors and the type or level of conflict that may erupt in the region.

Paul codifies the types of conflicts that may plague a region as high, medium, or low level (or midway between them), and further characterizes the levels of conflict by their scope, nature, and intensity. He shows that states with a high degree of security interdependence in regions of low to medium levels of conflict are the least likely to acquire nuclear weapons (e.g., Western

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Europe, North America, and South America). Indeed, in such regions, states without global interests are "prudential" in that they calculate that acquiring nuclear weapons may only exacerbate their security situation. Because "prudential realism" also presumes the security dilemma, a state without a long-standing conflict with a near neighbor will calculate that acquiring nuclear weapons would only increase its insecurity and so choose to forgo nuclear weapons and support the norms of nonproliferation.

Technically capable states in regions of high-level conflict are most likely to acquire nuclear weapons. High-level conflict zones are characterized by prolonged or repeated violence, distrust, and a lack of economic interdependence (the Middle East, South Asia, Cold War Europe, and the Korean peninsula). States so situated will forgo nuclear weapons only if they can depend on a nuclear-armed ally or have alternative means for deterring their adversaries, such as chemical, biological, or advanced conventional weapons.

While Paul is a bit more cautious about the prospects for the spread of nuclear weapons than is Goldstein, he does highlight some promising areas of study that should be helpful to policymakers. He believes that alliance guarantees and nuclear umbrellas should be examined further to determine their efficacy in persuading states to forgo nuclear weapons, but tentatively concludes from analyses of fourteen countries that security guarantees did in fact help persuade technically capable states in zones of high conflict to remain outside the nuclear club. However, as in the case with Pakistan (backed by the United States) and India (backed by the U.S.S.R.), not all alliances had that effect. International regimes may help as well. The NPT, for example, may provide normative "cover" for states choosing to surrender their "right" to go nuclear when they judge it is in their interest to avoid nuclear acquisition. At other times, however, the NPT may only encourage states to develop their nuclear programs clandestinely.

Norms, Bureaucrats, and "What If?"

Scott Sagan affirms the complicated nature of motives for nuclear acquisition or forbearance. His essay "Rethinking the Causes of Nuclear Proliferation: Three Models in Search of a Bomb," is one of many in *The Coming Crisis: Nuclear Proliferation, U.S. Interests, and World Order*, edited by Victor A. Utgoff. Sagan, associate professor of political science at Stanford University, is well known for his works on nuclear safety and the dangers of nuclear proliferation. Here, he examines the reasons for nuclear proliferation by comparing the security (realist), the domestic (bureaucratic politics), and the normative models (prestige, nonproliferation, and the like). The security model, in Sagan's view, explains the majority of cases, but not all. Indeed, his arguments directly contradict the realist theories employed by Goldstein and

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Paul in a few notable instances. For example, Sagan argues that the domestic model suggests that nuclear acquisition may serve the parochial interests of individual actors within a state, including the nuclear-energy establishment, the military, and certain political leaders. Significantly, then, internal political changes sometimes provide a better explanation for acquiring or ending nuclear programs than a state's external security situation. Thus, when South Africa gave up its nuclear weapons, it did so because it was turning over political control to the African National Congress, not because of a significant lessening of the threat from Angola.

Sagan also argues that the normative model better explains why some states acquire nuclear weapons in some situations. For instance, decisions to acquire (or forgo) nuclear weapons may "serve important symbolic functions, both shaping and reflecting a state's identity. At times, state behavior is determined not by leaders' cold calculations about the national security interests or their parochial bureaucratic interests, but rather by deeper norms and shared beliefs about what actions are legitimate and appropriate in international relations" (p. 37). He thus argues that the best explanation for the French decision to acquire nuclear arms rests on "French leaders' perceptions of the bomb's symbolic significance" (p. 42). The nuclear bomb was an important token of France's status as a great power.

Even more than Paul, Sagan identifies weaknesses in realist theory that are not immediately obvious. But if critics expose weaknesses in realism, inadvertently its supporters sometimes do as well. Two other authors in the Utgoff volume use the same theory but come to opposite conclusions. Thus, Stephen Peter Rosen, professor of national security and military affairs at Harvard University, and Barry R. Posen, professor of political science at the Massachusetts Institute of Technology, both use realist security models and ask the same general question: would the United States really intervene on behalf of an ally against a nuclear-armed adversary? Finally, both examine the events before and during the Persian Gulf War to pose the counterfactual question: would the United States have intervened had Iraq developed nuclear weapons?

Rosen, in "Nuclear Proliferation and Alliance Relations," is pessimistic about U.S. intervention. He proposes to assess what might have occurred had Iraq completed a nuclear weapons program before it invaded Kuwait but only revealed its capabilities afterward. After exploring several strategies open to Iraq, assuming it possessed a minimum deterrent nuclear force, Rosen evaluates the allied coalition's capability to attack Iraq's nuclear forces. Just two pieces of his evidence suffice to make his circumstantial argument (though he employs others). First, he recalls that the Gulf War Air Power Survey pointed to the inability of coalition aircraft to destroy mobile Iraqi SCUD missiles, despite the enormous energy expended in attempting to do so and the importance of that mission to alliance cohesion. Secondly, he also discusses two separate studies conducted after the Gulf War that simulated

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crises with a nuclear-armed adversary. In both cases, U.S. policymakers were overwhelmingly reluctant to recommend the use of U.S. nuclear forces and failed to develop a consensus on how to respond, except to seek nonmilitary solutions or fall back on long-range, nonnuclear strikes. Rosen's conclusion: the United States will find it increasingly difficult to respond to regional crises involving nuclear-armed adversaries.

Posen draws the opposite conclusion, suggesting that the U.S. government would act forcefully even if it confronted an Iraq armed with nuclear weapons. In his essay "U.S. Security Policy in a Nuclear-Armed World, or What If Iraq Had Had Nuclear Weapons?" he argues that the risks of inaction would be too great. If the United States had allowed a nuclear-armed Iraq to conquer Kuwait, nuclear weapons would have come to be viewed as instruments to ensure the success of *conventional* aggression, thereby accelerating nuclear proliferation among would-be aggressors worldwide. At the same time, and perhaps more ominously, other states would increasingly consider preventive wars against neighbors with the potential to go nuclear. As for how the United States would deal with a nuclear-armed adversary, Posen suggests that it could have fought using conventional means for limited objectives and pursued intrawar deterrence, a strategy of threatening massive retaliation should nuclear weapons be used. He bases his recommendations on the evidence that the first Bush administration used this strategy successfully during the Gulf War to deter Saddam Hussein from using chemical weapons.

Theories are heuristic devices, not necessarily accurate predictors of the future.

As frustrating as it may be that theories of international relations are not as exact as those in the natural sciences, they help us think through the kinds of problems that are too complex to anticipate fully. For this reason, such theories should be seen as heuristic devices, tools for thinking about tough problems, and not necessarily as accurate predictors of the future.

Judging the Policy, Not the Theory

Not everyone is concerned with the causes of proliferation, however. Henry Sokolski, in his *Best of Intentions*, expressly eschews the search for causes and instead prefers to evaluate efforts to prevent proliferation in the first place. A former military legislative analyst in the Senate and an official in the Department of Defense during the first Bush administration, he currently heads the nonprofit Nonproliferation Policy Education Center in Washington, D.C. His interests, therefore, lie in the search for practical answers to policy questions, not in the development of theory per se. He proposes to determine how effective U.S. and international efforts have been in curbing proliferation, and specifically intends to "identify and weigh the premises of U.S. nonproliferation policies" (p. xii).

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His book is divided into seven chapters, the first and last of which deal with the history and future of nonproliferation. The five central chapters are analytic histories of the major nonproliferation policies: the Baruch Plan, the Atoms for Peace Program, the NPT, proliferation technology control regimes, and the U.S. Counterproliferation Initiative. According to Sokolski, each of the initiatives had distinct assumptions that were built upon an assessment of the strategic dangers that needed to be avoided at the time, and each was designed to correct the failures of its precursors. He further argues that "[t]o the extent each characterized the strategic threat properly, they produced nonproliferation measures that were sound. To the extent that they did not, they encouraged measures that were impractical or that actually compounded the nonproliferation threats they were supposed to reduce" (p. xii).

How U.S. leaders characterized the strategic threat makes for an interesting approach to the periods under examination. It also reminds the reader that there is always a strategic context to policy, and favored solutions to perceived problems. In other words, policymakers' assumptions about the world tend to influence their responses to it. For example, after World War II, American policymakers worried that the spread of nuclear weapons would inevitably generate undeterrable nuclear wars against which no defense was possible. Since the United States would not be able to deflect potential offensive nuclear wars, it sought to retain sole ownership of nuclear weapons. The Baruch Plan that was offered to the United Nations in 1946 provided, among other things, that anything critical to nuclear bomb making be turned over to the control of an international atomic energy authority, a meritorious proposal in itself. However, the United States' exaggerated fears of undeterrable offensive nuclear wars made it crucial for the country to maintain its sole nuclear monopoly until thorough safeguards were in place—and that condition alone provided the Soviets with the reason to reject it.

The drafters of the Nonproliferation Treaty of 1968 had their own strategic assumptions, which continue to fuel debate over nonproliferation policies today. At the heart of the first three articles of the NPT are concerns about the horizontal proliferation of nuclear weapons, that is, the spread of nuclear weapons to nonnuclear states. The original Irish proposal in 1958 reflected the early fears that the addition of new nuclear powers would lead to international instability, making nuclear war more likely. Before the NPT was finished, however, negotiators began fearing the effects of vertical proliferation, that is, the accumulation of nuclear weapons by the superpowers targeted against one another, which could lead to accidental or unauthorized nuclear war. Today some states refuse to sign the NPT unless and until the major powers move more drastically toward disarmament. In the meantime, the dangers of horizontal proliferation continue to grow.

Sokolski's history and analysis would seem to be premised on political realism. In the concluding chapter, however, his prescriptions for new

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nonproliferation policies reflect a different theoretical bent. Since there are limits and weaknesses to all the previous policies, he argues, new initiatives must focus on issues more lasting than technological or military contingencies. The next counterproliferation campaign must be anchored in larger policies that distinguish between liberal and hostile illiberal regimes in an effort to broaden, over the long run, the "zones of peace" and shrink "zones of conflict." In other words, Sokolski relies on a form of the "democratic peace theory," which suggests that democracies do not wage war against other democracies. This idea has broad acceptance among American political leaders, from Ronald Reagan to Bill Clinton to George W. Bush.

Useful theories are those that have legs beyond the classroom and enable policymakers to understand the broader context of the policies they craft. The search for patterns of nuclear acquisition and forbearance, effective policies for or against them, and strategies to deal with the nuclear dangers that do emerge is a compelling assignment for the new century. Unfortunately, there are no simple answers to the complex questions posed by proliferation—and, as these authors demonstrate, the answers that serve in one place or time may not suffice in the next.

Ronald Reagan on Reaganism
by Bruce Berkowitz

Reagan in His Own Hand: The Writings of Ronald Reagan that Reveal His Revolutionary Vision for America. Edited by Kiron K. Skinner, Annelise Anderson, and Martin Anderson. (New York: Free Press, 2001. 549 pp. $30.00.)

There was always one nagging question about Ronald Reagan: how sharp was he, really? His opponents liked to claim that he was just a Hollywood actor reading lines scripted by others. Even many of his supporters were attracted by his amiable delivery at least as much as they were convinced by his message. A smooth style, however, is not evidence of a lack of substance. Reagan was smart, articulate, and had a broad (if selectively detailed) knowledge about world events. More important, Reagan was his own man. The words Reagan spoke in public were often his own, and always guided by his own thinking. Reagan was no act; he was the real thing.

Anyone who doubts any of this needs to read *Reagan in His Own Hand*, a collection of writings by the fortieth president. Most of the handwritten notes are drafts of radio broadcasts Reagan made from 1975 through

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1979, after he served as governor of California and while he campaigned for the GOP presidential nomination. Kiron Skinner, a professor at Carnegie Mellon University, discovered the scripts and other notes in a collection of personal papers at the Reagan presidential library. She then worked with Martin Anderson (a senior fellow at the Hoover Institution and longtime adviser to Reagan) and Annelise Anderson (also a Hoover scholar who served in the Reagan administration) to organize these writings into a sampler of Reagan's thinking about foreign and domestic policy.

The result is a unique and extremely valuable collection of documents. Indeed, it is hard to think of another president who has left so much written commentary on the political issues of his time. The sheer volume of the collection is one of its most significant features.

Few people—certainly not his critics—ever considered Ronald Reagan a "man of letters." Yet former staff members recall that Reagan was constantly writing notes, letters, and drafts of speeches. Skinner and the Andersons quote Dennis LeBlanc, a California state police officer who served as Reagan's aide and bodyguard in the 1970s: "'Ronald Reagan never slept on planes when he was traveling. It was the same way when I was with him in the station wagon. It was like—you're wasting time if you are sleeping. You know, everyone's got things to do. And his thing to do when I was with him was his writing'" (p. xvi).

For Reagan, writing was a muse that filled his mind much, if not most, of the time with politics, policy, and big ideas about the world, how it worked, and how it ought to work. This collection of writings shows that Reagan was a much more serious and thoughtful man than his critics ever gave him credit for.

An equally significant fact about this collection is that these papers were, as the title says, written in Reagan's own hand. Penmanship proves authorship. If anyone doubted that Reagan was responsible for his ideas, these documents clearly establish that Reagan was responsible for much of his own material. What issued from his pen was pure, uncut Reaganism: his now-familiar insistence that free markets worked better than planned economies, that the United States needed a stronger military, and that the Soviet Union was evil.

Reagan was a master of a particular art form: the three-minute spoken essay. This kind of writing may seem easy, but it is in fact quite difficult to pick a topic and write an essay of about 600 words that is interesting, entertaining, and makes a point. Reagan not only managed to do that, but also usually composed his thoughts in one continuous stream, and he did that almost every weekday for five years. This kind of writing, like long-distance running, requires stamina. It also demands a good deal of knowledge (otherwise he would have lacked subject matter) and intelligence (otherwise he would have been unable to organize his thoughts efficiently). In short, although not every intelligent person can write well, most people who write

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well are probably smart. It likely also helped that Reagan came from an older generation that was more comfortable expressing itself with written words than with sounds and pictures.

Reagan's Ideas Revealed

Several themes about national security run through these voluminous writings and demonstrate Reagan's determination to question the conventional wisdom of his era. How, for example, should the United States view the Soviet Union? Rather than wondering whether the Soviet Union was expansionist or simply paranoid—a perennial question of Cold War debates—Reagan cut to the heart of the matter: was the Soviet regime a legitimate government at all? He rejected the idea that the Soviet Union and other communist nations were normal countries, and instead argued that Soviet leaders were merely thugs who happened to be successful in thuggery. A regime cannot hold power by means of a secret police and the gulag, he said, and expect others to accept it as a legitimate representative of the people. He also believed the Soviet leadership was inherently aggressive and incorrigibly deceitful.

As a result, the United States could not deal with the Soviet Union in good faith as one might deal with, say, Costa Rica or Great Britain. To be sure, one might be forced by circumstances to negotiate or bargain with representatives of the Soviet Union, but a deal or treaty with them was like a legal transaction with a known gangster or convicted felon. It might superficially resemble a normal exchange, but in fact an element of brute coercion lurked in the background. Reagan believed that the United States always had to be wary, and understood that it was a good idea to "pack heat" in case the other side reneged.

Thus, pundits should not have been astonished when Reagan, as president, later called the Soviet Union an "evil empire" and claimed Soviet leaders were apt to lie and cheat. Reagan had used that kind of language about communist leaders for years, for instance, in a 1978 broadcast denouncing Fidel Castro:

> You know, calling the average man a ~~liar~~ liar[1] is a pretty drastic charge and the average man reacts with vehemence when his veracity is so questioned. But calling a communist a liar when he is one is pretty frustrating. How do you insult a pig by calling it a pig? Communists are not bound by our morality. They say any crime

[1] Skinner, Anderson, and Anderson depict Reagan's writing exactly as found. They did not correct for spelling or grammar. Reagan used his own shorthand and edited his scripts with crossouts and additions. Skinner and the Andersons show script inserts as italics, block letter inserts as small capitals. In this passage, Reagan may have repeated himself accidentally and crossed out the duplicated word. Or perhaps he wrote the passage, mused that "liar" was too strong a word, but then, upon reflection, decided to keep it. In either case, this is an example of how the collected writings offer some insight into Reagan's thought process.

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including lying is moral if it advances the cause of socialism. That is Karl Marx as interpreted by Lenin (pp. 59–60).

A second theme logically followed from the first, which was that the United States and its policies were morally superior to the Soviet Union and its policies. Reagan admitted the United States was far from perfect, but he believed that anyone could see the fundamental differences. The United States held real elections, protected the rights of individuals, and had a reliable rule of law. The Soviet Union was a police state that dominated its neighbors by sending in tanks when necessary. The United States, argued Reagan, was on the side of right and therefore *deserved* to prevail.

This was a new idea in the 1970s—or one long in disfavor—and it drove members of the foreign policy intelligentsia crazy. Memories grow hazy (often conveniently so), and it is easy to forget how out of step Reagan was with American academia. In the wake of Vietnam and Watergate, no one seemed to believe American policies were guided by high-minded principle. On the contrary, most liberals held that the United States was a malevolent force in need of restraint for the good of the world, while *realpolitik* theorists simply argued that all countries' policies were driven by their respective national interests, competing bureaucracies, or domestic politics. In this view, superpowers occasionally had conflicts, and good foreign policy specialists should aim at defusing them. It was nonsensical to say that one country's interests were more legitimate than those of another. At most, a legal expert might say that one country's claims had higher standing under international law.

The pundits sought conflict resolution, but Reagan wanted victory.

Indeed, some professors at the time taught "convergence theory," arguing that the two superpowers were more alike than different and would soon become indistinguishable. Both had big populations, big industries, big armies, and vast territories. Both sought to protect and expand their spheres of influence in the world. Both practiced espionage, bullied or corrupted small client states, and brandished nuclear arsenals capable of rendering humanity extinct. Given such moral equivalence, U.S. policymakers were obliged only to avert conflicts before someone blew up the world, and to wait for the "insecure" Soviet Union to mellow out, democratize, and build a socialist consumer economy along the lines of Sweden's.

Reagan rejected all of that. For him, the Soviet government was evil, and the conflict between the Soviet Union and the United States was more than just a geopolitical phenomenon in need of management. It was a struggle between right and wrong, just and unjust. The United States was entitled—even obligated—to resist Soviet expansion. The pundits sought conflict resolution, but Reagan's ultimate goal was victory.

A third theme, which followed from the first two, was that the United

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States needed to be militarily strong. After all, how could the good guys win if they were weaker than the bad guys? This thinking also put the so-called arms race in a new light. The Soviet Union armed to dominate its neighbors and promote totalitarianism, whereas the United States armed to protect democracy and freedom. According to Reagan, American military superiority posed no threat to anyone. In fact, the United States, as the protector of freedom, was obligated to build a military "second to none."

Again, it is easy to forget the extent to which this went against the conventional wisdom heard in political circles and classrooms. For liberal intellectuals, *American* military power was the problem, because it supposedly tempted American leaders into adventurism that resulted in disasters such as the war in Vietnam. If the United States spent less on its armed forces, the argument went, then its warlords would be constrained and the odds for peace would improve. Even hard-nosed theorists of the *realpolitik* school argued that a balance of power promoted stability.

Reagan's foreign policy broadcasts dealt with all of the controversies of the day. Most of those issues have probably been forgotten even by specialists in the field: whether the United States should turn over the Panama Canal, ratify the second Strategic Arms Limitation Talks (SALT II) and Law of the Sea treaties, support Pentecostals who took refuge in the American embassy in Moscow, or intervene in the civil war in Rhodesia. The specifics are easy to forget. The principles are easy to remember.

Evolution in Thinking

For a scholar of U.S. foreign policy, perhaps the most interesting clues buried in this book are those suggesting how Reagan gradually refined his thinking about how to deal with the Soviet Union. Prior to about 1980, three main schools of thought about the Soviet threat contended in American politics. Some doves thought that the Soviets were strong and that the threat needed to be defused with arms control. Other doves thought that the Soviets were weak and that hawks exaggerated the Soviet military threat. Most hawks thought that the Soviets were strong and that the United States needed to be resolute. During most of his pre-presidential career, Reagan accepted the conventional hawk argument. Reagan supported building the B-1 bomber and the MX missile, opposed arms-control treaties that would limit U.S. weapon programs, and so on. This position was consistent with Reagan's position of "peace through strength," and is what the reader mainly finds in this collection of writings.

By the mid-1970s, however, Reagan began to be persuaded by a new argument (actually similar to those originally made for containment), namely, that while the Soviet regime was militarily strong, it was economically, socially, and morally weak—*and would collapse if the United States applied*

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pressure effectively. This pressure took several forms. One was to build U.S. military strength in a way that forced the Soviets to spend even more money on their conventional and strategic forces. The United States did not need to match the Soviets weapon for weapon, but instead ought to focus on those weapons that would pose the greatest challenge to the rickety, rigid Soviet command economy. Hence the rationale for strategic missile defense. A second approach was to make it hard for the Soviet Union to obtain hard currency and Western technology. Hence the rationale for opposing, *inter alia*, a proposed pipeline that would have allowed the Soviet Union to sell natural gas to Western Europe, or for imposing export controls on U.S. computers. A third approach was stepping up aid to opponents of Soviet-backed regimes such as those in Afghanistan and Nicaragua. Not only would this force the Soviet Union to spend money it did not have, but resistance to the "Brezhnev Doctrine" in, for instance, Afghanistan, might also demoralize the Soviet army and allow the United States to occupy the moral high ground against foreign imperialists.

Needless to say, it took time for this thinking to develop into a coherent strategy, but that effort is reflected in Reagan's writings. Some of the first signs appeared as early as 1963, in a speech rejecting convergence theory. Reagan argued that the Soviets should be forced to confront the consequences of their political and economic thinking:

> If we truly believe that our way of life is best aren't the Russians more likely to recognize that fact and modify their stand if we let their economy come unhinged so that the contrast is apparent? Inhuman though it may sound, shouldn't we throw the whole burden of feeding the satellites on their slave masters who are having trouble feeding themselves? While we have a power edge (which means no one in Russia is about to pull a trigger) shouldn't we do what honor and morality demand, and set Cuba free, insist that the U.N. take up the problems of Russian colonialism and call off the unhealthy brainchild of our diplomacy the coalition government we forced on Laos? If you say in answer that doing these things is no guaranty against war, I agree because unfortunately it only takes one nation to make a war, and the only sure way to avoid war is to surrender without fighting. But accommodation is based on wishing not thinking, and if the wish doesn't come true the enemy is far stronger than he was before you started down that road. The other way is based on the belief (supported so far by all evidence) that in an all out race our system is stronger, and eventually the enemy gives up the race as a hopeless cause. Then a noble nation believing in peace extends the hand of friendship and says there is room in the world for both of us (p. 442).

By the time he began the radio speeches that constitute most of this collection, Reagan often observed that the Soviet economy could not feed its people and produced miserably shoddy goods because it was unproductive and grotesquely skewed toward defense spending. He did not yet propose that a combination of a U.S. military buildup, Soviet economic weakness, and the oppression of the Soviet government would cause the Soviet system to fall

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in on itself. However, at least one example in this collection reveals that by October 1975 he was changing his focus on how to wage the Cold War. In the draft of a radio broadcast, Reagan came close to arguing that the United States should press the Soviets beyond their limits—but decided not to include the argument in the version he finally delivered. The issue was a proposal to sell grain to the Soviet Union.

> Nothing proves the ~~fallacy~~ ~~*idiocy*~~ ~~if their whole~~ *failure of Marxism more* than the Soviet Unions inability to produce weapons ~~of defense~~ ~~and~~ ~~provide~~ *for its mil. ambitions and at the same time provide* for their peoples everyday needs ~~*at the same time.*~~ *It* Only *takes* about 4% of our labor force ~~is in farming yet that 4% feeds~~ *to grow food* for 211 mil. Americans ~~& provides~~ *and provide* 80% of all the food shipped to the worlds underdeveloped nations.
>
> A full 1/3 of Russian workers are in agriculture & still they'd starve without our wheat. And the failure is not Russian it is communist, for every other country that has collectivized it's agriculture has gone downhill in farm production
>
> The moral question then is ~~could~~ *can* Am. alone force the change to peaceful pursuits on Russia by refusing to sell ~~to~~ or would we have to persuade the other free Nations to do the same. Following such a course what would we then do about our farmers and the surplus they'd have on their hands? ~~As I said it isn't there is no easy, pat answer.~~
>
> The Wheat deal is beneficial [several unreadable strikeouts] *to us* economically. Right now ~~maybe~~ in our time of ec. dislocation & imbalance of trade *maybe* it benefits us enough to outweigh the strategic ~~or the moral~~ factor. In other words it strengthens us more than we'd be benefitted by weakening them. But the moral question in the long run wont go away. The Soviet U. is an aggressor & a threat to world peace. ~~It's system is so incompetent~~ *It can remain so only by denying* its people freedom & the basic commoditys that make life worth living ~~and~~ which we take for granted.
>
> ~~Have we ever really studied~~ ~~*Why shouldn't we study the*~~ ~~the problem and considered~~ ~~*consider*~~ ~~buying the wheat ourselves even if only to give *it* away so as to be fair to our farmers; counting this as a cost of *part of our Nat. defense* as we let them choose between ec. collapse or abandonment of their arms.~~
>
> The Russians have told us over & over again their goal is to impose their incompetent and ridiculous system on the world. We invest in armaments to hold them off, ~~Either~~ but what do we envision as the eventual outcome? Either they will see the fallacy of their way & give up their goal or their system will collapse or—(and we dont let ourselves think of this) we'll have to use our weapons one day.
>
> Maybe there is an answer. ~~--By doing~~ *We simply do* what's morally right. Stop doing business with them. Let their system collapse but in the meantime buy our farmers wheat ourselves & have it on hand to feed the Russian people when they finally become free (pp. 30–31).

In other words, at this point in time, Reagan still seemed to back away from the more aggressive strategic policy that he would adopt during his presi-

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dency. He wrote, but then crossed out, a passage that in effect argued for economic warfare. The speech instead focused on the moral issues of the sale. Nevertheless, Reagan suggested that collapse was inevitable, although this would occur sometime in the indefinite future. (It is also interesting to note that, even in these writings, Reagan planned to provide aid to the Russian people after communism collapsed.)

There are other signs of Reagan's evolving position on pressuring the Soviet regime. For example, according to the conventional wisdom in the 1970s, arms races were bad because they were costly and raised the risk of war. In a September 1979 broadcast, Reagan criticized the proposed SALT II treaty, mainly on the grounds that it was impossible to verify. However, he added a brief final passage that suggested that an arms race, while unfortunate, might be better than the alternative because the United States would prevail:

> Mr. Navrozov [a Russian exile and critic of strategic arms control] refers to an article earlier this year in "Scientific American" in which a U.S. Congressman [Les Aspin, D.-Wis.] argued that we could verify the terms of Salt II. According to ~~the~~ Navrozov many of the Congressmans claims were highly questionable. But adding to his concern was the fact that the editor of that prestigious magazine rejected an offer of an article rebutting the Congressmans claims on the grounds that it would not be suitable for the magazines current needs.
>
> The plain truth is that we cannot verify if the Soviets are carrying out the terms of Salt II and it is a falsehood to suggest we can.
>
> In his June 28 column, journalist Ben Stein summed it up very well: "An unconstrained arms race which the U.S. could not possibly lose given our industrial superiority, or a treaty (Salt II) which says the arms race is over and that we have lost it." And he asks — "which is worse."
>
> This is RR. Thanks for listening (p. 63).

It was not until Reagan took office that he made the argument explicitly: the Soviet Union was fragile, and if it did not bring about its own demise, the United States might facilitate the process. In his 1982 address to the British House of Commons. Reagan observed:

> In an ironic sense Karl Marx was right. We are witnessing today a great revolutionary crisis, a crisis where the demands of the economic order are conflicting directly with those of the political order. But the crisis is happening not in the free, non-Marxist West but in the home of Marxism-Leninism, the Soviet Union. It is the Soviet Union that runs against the tide of history by denying human freedom and human dignity to its citizens. It also is in deep economic difficulty. The rate of growth in the national product has been steadily declining since the fifties and is less than half of what it was then.
>
> The dimensions of this failure are astounding: a country which employs one-fifth of its population in agriculture is unable to feed its own people. Were it not for the

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> private sector, the tiny private sector tolerated in Soviet agriculture, the country might be on the brink of famine. . . .
>
> We cannot ignore the fact that even without our encouragement there has been and will continue to be repeated explosion against repression and dictatorships. The Soviet Union itself is not immune to this reality. Any system is inherently unstable that has no peaceful means to legitimize its leaders. In such cases, the very repressiveness of the state ultimately drives people to resist it, if necessary, by force.
>
> While we must be cautious about forcing the pace of change, we must not hesitate to declare our ultimate objectives and to take concrete actions to move toward them. . . . [2]

Reagan then proposed three concrete actions to achieve his "ultimate objectives": support of forces resisting Soviet-backed regimes in the developing world; continuing the U.S. military buildup; and help for organizations that promoted democracy within the Soviet bloc. The measures were codified in public and secret policies and executive orders.[3]

Tony Dolan, a White House speechwriter, is credited with drafting both the Westminster address and the famous (or notorious) "evil empire" speech that Reagan delivered to an audience of evangelicals a few months later. Significantly, however, both speeches contain phrases and facts that Reagan had himself used earlier in his radio broadcasts.[4] It would be interesting to discover how Reagan finally arrived at this position. One factor may have been signs that emerged just as Reagan assumed the presidency that the Soviet economy was reaching a critical point. Although there was heated disagreement on exact estimates of the size of the Soviet economy, by the late 1970s U.S. intelligence agencies mainly agreed that it was faltering. Analysts outside the government, such as Henry S. Rowen and Charles Wolf, had an even more pessimistic view.[5]

It is impossible to say what would have happened to the Soviet Union without the Reagan presidency. It might have collapsed on its own, or democratized, or muddled through to this day. Indeed, Reagan himself appears to have been agnostic about the future of the Soviet Union. But he repeatedly surmised that only two outcomes were possible: either the Soviets, under the pressure of competition, would moderate their domestic and foreign policies, or their system would collapse. Prior to becoming president, he clearly understood the internal weakness of the system and considered the

[2] Text of Speech to the British Parliament, June 8, 1982, available at the Ronald Reagan Library website (http://www.reagan.utexas.edu/resource/speeches/1982/60882a.htm).

[3] See, for example, National Security Decision Directive 32, May 20, 1982 (http://209/207.236.112/irp/offdocs/nsdd/nsdd-032.htm).

[4] See Lou Cannon, *President Reagan: The Role of a Lifetime* (New York: Touchstone/Simon and Schuster, 1991).

[5] See Bruce D. Berkowitz and Jeffrey T. Richelson, "The CIA Vindicated," *National Interest*, Fall 1995, pp. 36–47. Also see Henry S. Rowen's essay, which was written as the Soviet economic crisis peaked, "Living with a Sick Bear," *National Interest*, Winter 1985, pp. 14–26.

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merits of applying further pressure. Once in office, he explicitly stated that the Soviet Union was reaching a crisis, and he put forward policies that would exacerbate it.

The Bottom Line

It is important not to caricature this rich collection by using it to construct a vision of a Ronald Reagan who was all-wise, all-knowing, and all-prescient. For example, the Soviet Union did not "have a laser beam capable of blasting our missiles from the sky if we ever tried to use them" (p. 35). Reagan was apparently citing a claim made by Major General George Keegan, the head of air force intelligence who was often correct, but also prone to worst-case assessments (in this case, a directed-energy weapon that the Soviet Union tested but never deployed). It is also interesting to find that Reagan essentially supported what we would now call the "right of return" for Palestinian refugees. Reagan did not favor a new Palestinian homeland, but instead proposed letting inhabitants of the region choose a home in any of the existing countries—including Israel:

> Has any effort been made (and if not why not) to ~~can~~ *canvass* the refugees and see where the families & individuals would like to live? About 10% are Christian, 90% are Sunni Muslims. Their language is Arabic, virtually identical to that spoken in Lebanon, Syria, & Jordan. What if the Arab states & Israel were to offer citizenship to any who wanted to emigrate? What if all of us helped to fund such an emigration? It might eliminate a vexing problem. It might be worth a try (p. 218).

Reagan assumed Palestinian Arabs would prefer to move to neighboring Arab nations. The past year has shown that this is not the case. Yet even Reagan's misjudgments in such instances demonstrate his willingness and ability to articulate radical positions that were anathema to conventional wisdom. That is indeed ironic, considering that he was most often accused of being a reactionary.

It is unlikely that we will see this kind of record from a public figure again any time soon. Ronald Reagan came from a different generation, a literary one that was more comfortable with writing than with sound bites and photo ops. Furthermore, any public figure today who left such a paper trail while still in public life would likely be "Borked" if nominated for an appointed position, and would offer an easy target to opposition researchers if he ran for elected office. Any president, however, who hopes to leave a legacy of lasting importance ought to study the precepts suggested by Reagan's success: Think big thoughts. Do not guide grand policy by technical details of the moment. Stick to your guns when protectors of the common wisdom call you foolish or dangerous. Finally, have a vision for what the world ought to look like, because if you do not know where you want to go, you are likely to lose the way.

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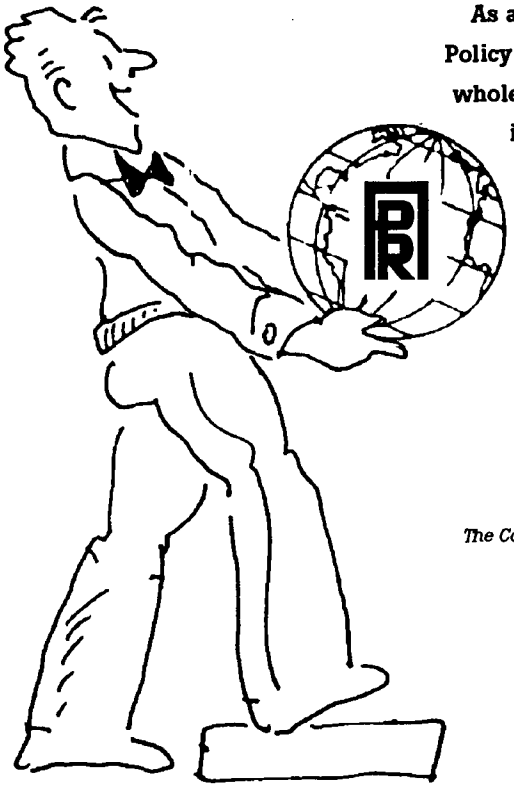

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